



**DEPARTMENT OF FORESTRY AND FIRE PROTECTION  
OFFICE OF THE STATE FIRE MARSHAL**

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**Date:** May 18, 2017

**To:** State Board of Fire Services

**From:** Joe Bunn, Fire Service Training Specialist III, State Fire Training

**SUBJECT/AGENDA ACTION ITEM:**

Fire Service Labor/Management Relations

**Recommended Actions:**

Seeking Approval of Fire Service Labor/Management Relations Curriculum and Materials

**Background Information:**

After Analysis of the entire State Fire Training Chief Officer Certification Training Standards in 2009, the review Cadre recommended that three specific levels of Chief Officer certification be developed. STEAC and the State Board of Fire Services (SBFS) approved this recommendation. This recommendation was based on an analysis of the National Professional Development Model, National Fire Protection Association's Standard 1021, the National Fire Academy's Fire and Emergency Services in Higher Education (FESHE) Professional Development Model, the Fire Chief's Development Handbook of the International Association of Fire Chiefs (IAFC), and Chief Fire Officer Credentialing guidelines of the Center of Public Safety of Excellence. In addition, the existing State Fire Training (SFT) Fire Officer, Chief Officer and Fire Chief certification tracks were analyzed.

In 2013, SFT established priorities to update and develop new curricula. After the approval of SFT staff, task orders were developed for all the new curricula. Cadre leads were assigned and developmental and validation cadres formed for all the new certification tracks. The development of all materials were established and completed through the ongoing contract with Sacramento State University.

By the 20th of November of 2014 all the new curricula had been developed, validated and had been approved by STEAC and SBFS that were identified as priorities by State Fire Training (SFT). In addition, during the process of moving numerous Certification Training Standards through the system a discussion developed around the certification process. When working with NFPA having identified the Job Performance Requirements and that there will be a greater emphasis placed on the demonstration of proficiency. The changes

*"The Department of Forestry and Fire Protection serves and safeguards the people and protects the property and resources of California."*



in curricula hours for didactic instruction it was determined that State Fire Training (SFT) look seriously at the development of FSTEP courses for continuing education or professional development and with the new curriculum development process, the classes can be more streamlined.

The discussion was continued and it was determined a budget for updating existing or creating new curricula that will address missing information from legacy curriculum to a new, but not inclusive of the NFPA be established. However, for the purposes of updating future curricula it should be noted that whenever possible utilizing an NFPA standard as the bloodline of the material should be established. This insures that on an ongoing basis the curriculum will be current and represents the latest in industry standards. This concept of developing FSTEP courses from the legacy courses or new curriculums for the purpose of continuing education and professional development was presented to STEAC on October 16, 2015. Accordingly, the classes were identified with cadre leads assigned and an overview of those classes was presented to STEAC as an informational only process. One of those classes identified was Human Resource Management and Fire Service Labor Relations. This class is presently part of the management series for the Chief Officer Certification that terminated December 31, 2016. The last revision of this course was in 1985.

Again, a designated cadre of experienced Chief; Fire Officers and Labor representatives were selected from various departments and backgrounds in the mission to update, revise and/or change the content to translate into an FSTEP course. This course was approved unanimously by STEAC on January 13, 2017.

#### **Cadre Leadership:**

Joe Bunn\*\*, Deputy Fire Chief (Retired), Allison Shaw, Cadre Editor, Sacramento State

#### **Development Cadre Members**

John Bagala, Captain (ret), Marinwood Fire Department, Vice-President, Marin Professional Firefighters, Local 1775, Taral Brideau, Education and Training Director, California Firefighter Joint Apprenticeship Committee, Clive Savacool, Fire Chief, Garden Valley Fire Protection District, Founder, Exposure Tracker, Chris Stavros, Captain, Glendale Fire Department, President, Glendale Firefighters Association, Local 776, John Torres, Captain (ret), Alameda County Fire Department, Instructor, Chabot College

The development of the Course Plans did not require the development of a Certification Training Standards (CTS) because this course is established as a FSTEP course. Terminal Learning Objectives can be developed from JPR's from NFPA standard when available. In this particular case there is not any available NFPA standard that covers Labor/Management Relations. The Cadre from the specific reference materials utilized for the course work developed the Terminal Learning Objectives. The development of the material required two multi-day sessions. Several of the cadre members are State Fire Instructors and facilitate classes through the Community College system as well as a strong labor/management background. The name change of this course was unanimous to be more inclusive for all of the fire service community.



The break down of the 19:30 hour FSTEP course is as follows:

Fire Service Labor/Management Relations	
Didactic	15:05 Hours
Activities	4:25 Hours

The development cadre insisted that the standards for the instructors of this course meet the minimum requirements to facilitate the legacy course Fire Management 2C, Human Resource Management and Fire Service Labor Relations that presently is included in the present Chief Officer Certification to terminate on December 31, 2016.

#### **Analysis/Summary of Issue:**

Following is an analysis of the major differences between the old legacy SFT courses and the new FSTEP courses being developed.

1. This class is consistent with the existing SFT courses with the exception that the core of the content meets no established NFPA standard, but is in alignment with other courses presently being developed by SFT. Any professional or volunteer fire service member will benefit greatly with the design and content of this course.
2. This class is the first FSTEP class developed without any lineage to any NFPA standard. The development of this class meets all State and Federal labor laws to validate of the material as it relates to Labor and Management Relations. The currency could be problematic in the future with the lack of NFPA standards being available for revisions in the future for SFT. However, the new format for all new curriculums allows for updates and modifications to the materials easier for any cadre's of the future.
3. To avoid potential confusion with the present Fire Management 2C, Human Resource Management and Fire Service Labor Relations, which presently is a core course for Certification for Chief Officer. The legacy course terminated on December 31, 2016 when the new Certification for Chief Fire Officer will be implemented. The implementation of this new course, Fire Service Labor/Management Relations will not be part of that Certification track.
4. The instructor should meet what would be consistent with the new Level 2 or 3 backgrounds through the PACE II process. In particular, the instructor should have a strong background, education and experience in relationship to fire service labor/management issues and collaboration regardless of rank.

In addition, existing SFT courses that are or will be in the Fire Service Training and Education Program (FSTEP) catalogue may provide additional development opportunities in the future. The implementation plan for this new course is pending development.



# Fire Service Labor/Management Relations Course Plan

## Course Details

<b>Description:</b>	This course provides participants with an overview of labor/management history, stakeholders, roles and responsibilities, and legislation and the tools to initiate and maintain positive labor/management partnerships
<b>Designed For:</b>	Fire service professionals impacted by or participating in labor/management relations
<b>Authority:</b>	None
<b>Prerequisites:</b>	Firefighter I (recommended)
<b>Corequisites:</b>	None
<b>Standard:</b>	Attend all course hours and complete all in-class activities and homework assignments (as applicable)
<b>Hours:</b>	Lecture: 15:05 Activities: 4:25
<b>Hours (Total):</b>	19:30
<b>Maximum Class Size:</b>	30
<b>Instructor Level:</b>	Primary
<b>Instructor/Student Ratio:</b>	1/30
<b>Restrictions:</b>	None
<b>SFT Designation:</b>	FSTEP



## Required Resources

### Instructor Resources

To teach this course, instructors need:

#### Required

- *Fire Service Labor/Management Student Supplement*
  - OSFM State Fire Training, 2016
  - (<http://osfm.fire.ca.gov/training/SFTCurriculum>)
- *Labor Relations for the Fire Service*
  - Paul J. Antonellis, Jr.
  - PennWell Corporation, 2012
  - ISBN: 978-1-59370-284-7
- *Manager's Guide to the California Firefighters Bill of Rights Act*
  - Martin J. Mayer and Kevin Johnson
  - Command Strategies Consulting, 2008
  - ([www.commandstrategies.us](http://www.commandstrategies.us))
  - ISBN 978-0-981767-2-2
- *Pocket Guide to the Meyers-Milias-Brown Act*
  - Regents of the University of California, 2014 (15<sup>th</sup> ed.)
  - ([cperservices@berkeley.edu](mailto:cperservices@berkeley.edu))
  - ISBN: 10928925-46-4

#### Recommended

- *Legal Considerations for Fire & Emergency Services*
  - J. Curtis Varone
  - PennWell Corporation, 2014
  - ISBN: 978-1-59370-347-9
- *The Rights of Firefighters*
  - Will Aitchison
  - LRIS Publications, 2010
  - ISBN: 978-1880607-25-1
- Fire Law Blog (Curt Varone)
  - <http://www.firelawblog.com/>

### Online Instructor Resources

The following instructor resources are available online at

<http://osfm.fire.ca.gov/training/SFTCurriculum>

- *Fire Service Labor/Management Student Supplement*

## Student Resources

To participate in this course, students need:

### Books

- *Fire Service Labor/Management Student Supplement*
  - OSFM State Fire Training, 2016
  - (<http://osfm.fire.ca.gov/training/SFTCurriculum>)
- *Labor Relations for the Fire Service*
  - Paul J. Antonellis, Jr.
  - PennWell Corporation, 2012
  - ISBN: 978-1-59370-284-7
- *Manager's Guide to the California Firefighters Bill of Rights Act*
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### Additional Resources

- Each student is required to bring a copy of his or her
  - MOU (memorandum of understanding) or CBA (collective bargaining agreement)
  - Agency disciplinary policy

## Facilities, Equipment, and Personnel

The following facilities, equipment, or personnel are required to deliver this course:

### Facilities

- Standard classroom set up for up to 30 students
- Projector for audio/visual presentations
- Internet access (for student activities)



## Unit 1: Introduction

### Topic 1-1: Orientation and Administration

#### Terminal Learning Objective

At the end of this topic, a student will be able to identify facility and classroom requirements and identify course objectives, events, requirements, assignments, activities, resources, evaluation methods, and participation requirements in the course syllabus.

#### Enabling Learning Objectives

1. Identify facility requirements
  - Restroom locations
  - Food locations
  - Smoking locations
  - Emergency procedures
2. Identify classroom requirements
  - Start and end times
  - Breaks
  - Electronic device policies
  - Special needs and accommodations
  - Other requirements as applicable
3. Review course syllabus
  - Course objectives
  - Calendar of events
  - Course requirements
  - Student evaluation process
  - Assignments
  - Activities
  - Required student resources
  - Class participation requirements

#### Discussion Questions

1. To be determined by the instructor

#### Activities

1. To be determined by the instructor

### Topic 1-2: Goals and Expectations

#### Terminal Learning Objective

At the end of this topic, a student, given course goals and behavioral expectations, will be able to learn and engage in a vibrant and unbiased learning environment.

#### Enabling Learning Objectives

1. Identify course goals
  - Provide a “big picture” understanding of labor/management roles and requirements
  - Increase cooperation between labor and management

- Strengthen labor/management partnership
- Save time and money
- Enhance professional perception of the fire service
- 2. Identify course focus
  - Curriculum strives to maintain a balanced labor/management perspective
- 3. Exhibit professionalism
  - Demonstrate respect and courtesy for all participants
  - Share ideas using neutral and unbiased language
  - Avoid slander, libel, defamation, and culpability
  - Appreciate different perspectives
    - Labor and management
    - Agency size
      - Small, medium, large
    - Agency type
      - City, county, district, private, state, federal
      - Career, volunteer, combination (career/volunteer)
    - Agency association
      - Agency shop
      - Union as sole bargaining agent
      - Association as sole bargaining agent
    - Geographic location
      - North/South
      - Urban/rural
    - Career length
- 4. Maintain confidentiality
  - Minimize identifying information (name, rank, agency) when sharing examples
  - Do not use pending cases as course examples

**Discussion Questions**

1. What motivated you to take this course?
2. What do you want to take away from this course?
3. What other labor/management training have you experienced?

**Activities**

1. Activity 1-2: Introductions/Goals  
Have students introduce themselves to the group (incorporating ideas from Discussion Questions)

**Instructor Notes**

1. Recommend using a quick set of verbal survey questions to get a visual snapshot of the student demographics (ELO 3 – Appreciate different perspectives)



## Unit 2: Labor/Management History

### Topic 2-1: General Labor/Management History

#### Terminal Learning Objective

At the end of this topic, a student, given historical labor/management information, will be able to identify how past labor/management eras, events, and legislation impact current labor/management relations.

#### Enabling Learning Objectives

1. Identify and describe key events in labor/management history
  - Industrial Revolution (1760-1840)
  - National Labor Union founded (1866)
    - Dissolved in 1873
    - Paved the way for other organizations like Knights of Labor and American Federation of Labor (AFL)
  - American Federation of Labor (AFL) founded (1886)
    - Founded in Columbus, OH
    - Started as an alliance of craft unions that split from the Knights of Labor
  - Homestead Strike/Massacre (1892)
    - Strike in Homestead, PA, pitting Amalgamated Association of Iron and Steel workers (nation's strongest trade union) against Carnegie Steel Company
    - An advisory committee directed strike and took over town (early example of labor leadership)
    - Significant fighting
      - Armed fight between 300 Pinkerton guards (seven killed / almost all injured) and 10,000 strikers (nine killed)
      - Governor sent 8,000 militia to help strikebreakers run plant
      - Violence on the labor side shifted public opinion against unions
    - Strike failed and Carnegie Steel instituted longer hours and lower wages
    - Inspired many workers, but highlighted difficulty for a union to prevail against corporation/government combination
  - U.S. Department of Labor established (1913)
    - A cabinet-level agency created under President Taft
    - Intended to emphasize pro-labor stance for the United Mine Workers
  - Ludlow Coal Mine Massacre (1914)
    - Ludlow, CO
    - Colorado National Guard and guards from the coal mine attacked striking coal miners, 19 people killed (including women and children)
    - Congressional investigation led to 8-hour workday and child labor laws
  - Battle of Blair Mountain (1921)
    - Logan County, WV
    - Largest, best-organized, well-armed uprising since Civil War

- 10,000 armed coal miners confronted 3,000 lawmen and strikebreakers (backed by coal mine operators) during attempt by miners to unionize the southwestern West Virginia coalfields
  - Approximately one million rounds fired
  - US Army intervened by presidential order
  - Coal miners lost, union essentially decimated
- Railway Labor Act (1929)
  - Federal legislation
  - Allows railway workers to bargain collectively with owners
  - Allows the use of voluntary arbitration
- National Labor Relations (Wagner) Act (1935)
  - Federal legislation
  - Prompted by failure of National Industrial Recovery Act (1933)
  - Intended to protect workers from interference, by industry, in their involvement with unions
  - Restricted ways that employers could interfere and react to labor practices in the private sector, including collective bargaining, labor unions, and strikes
  - Created the National Labor Relations Board (NLRB)
- Fair Labor Standards Act (1938)
  - Federal legislation
  - Supreme court was major obstacle to wage, hour, and child labor laws
  - Impacted minimum wage, overtime, hours worked (40-hour work week), record keeping, and child labor requirements
  - Congress of Industrial Organizations (CIO) formed
- Taft-Hartley Act (1947)
  - Federal legislation
  - Restricts power and activities of labor unions
  - Reaction to the strength of labor, designed to amend the NLRA (Wagner Act) and discontinue parts of Federal Anti-Injunction Act (1932)
- AFL and CIO merge (1955)
  - Merged to provide stronger voice for labor at the national level
- Labor Management Reporting and Disclosure (Landrum-Griffin) Act (1959)
  - Federal legislation
  - Motivated by congressional scrutiny for corruption, racketeering, misconduct
  - Congress believed further reforms needed to address gaps in Wagner Act and Taft-Hartley Act
  - Protected employee union membership rights from unfair practices by unions, while the National Labor Relations Act protected employee rights from unfair practices by employers or unions
- Civil Rights Act (1964)
  - Federal legislation
  - Outlawed discrimination based on race, color, religion, sex, or national origin



- Terminated unequal application regarding voter registration requirements and all forms of racial segregation in schools, the workplace, and facilities offering services to the general public
  - Meyer-Milias-Brown Act (1968)
    - California legislation
    - Allows public sector collective bargaining
    - Signed by then Governor Ronald Reagan (a former union president)
    - Viewed as start of the public employee labor movement in California
  - Americans with Disabilities Act (1990)
    - Federal legislation
    - Intended to protect against discrimination based on disability
    - Affords similar protections as Civil Rights Act (1964)
    - Requires covered employers to provide reasonable accommodations to employees with disabilities and imposes accessibility requirements on public accommodations
  - AFL-CIO loses members (2005)
    - Seven major unions left AFL-CIO to form Change to Win Coalition (CTW)
    - AFL-CIO lost millions of dollars
2. Describe how historical events shape current labor/management relations
- Emphasizes positive and negative aspects of labor/management relations
  - Increases appreciation for effort that went into securing current working conditions and benefits
  - Focuses current priorities

#### Discussion Questions

1. What events are you aware of that have had an impact on labor/management relations?
2. What working conditions or benefits do you most appreciate?
  - Have American workers always had those benefits?
3. Why is a historical perspective important to current practice?

#### Activities

1. To be determined by the instructor

#### Instructor Notes

1. Recommend using video clips, historical research, photographs, maps, etc., to illustrate historical events
2. Recommend utilizing a timeline and layering events on it from each Unit 2 topic area while presenting the material
3. Summarize key point of each incident and how it impacts labor/management environment
4. Minimize bias when using examples, know the source and keep it balanced

## Topic 2-2: Fire Service Labor/Management History

### Terminal Learning Objective

At the end of this topic, a student, given historical fire service information and state and federal legislation, will be able to describe the evolution of unions, associations, and laws that directly impact the fire service.

### Enabling Learning Objectives

1. Identify characteristics of early fire service working conditions, historical events, and enacted legislation that impact the fire service labor/management environment
  - Early era fire fighter work environment
    - Worked 84-hour weeks and 24-hour shifts with a few hours off
    - Considered unskilled labor
    - Salaries as low as 29 cents/hour
    - Lacked safety equipment
    - Few cities had pension systems or assistance for widows or dependents
    - Promotion based on who had political influence
    - Vacation dependent on manpower at the station
  - International Association of Fire Chiefs (IAFC) established (1873)
    - An association for exchanging ideas, professional development
  - First fire fighter unions formed (1903)
    - 17 local fire fighter groups joined the American Federation of Labor (AFL)
    - Pittsburgh fire fighters organized (AFL Local 11431) when newly-elected city government threatened to remove fire fighters who didn't support new administration
      - Captain Frank G. Jones fired by city
      - Union paid his wages and fought for reinstatement
      - Jones submitted resolution to AFL for fire fighters to organize locals across country, leading to IAFF, a separate union for fire fighters
      - Become IAFF, Local 1 (beat out Chicago in a coin toss)
  - International Association of Fire Fighters (IAFF) established (1918)
    - A union formed to unite fire fighters for better wages, improved safety, and greater service for communities ("protector of the protectors")
    - Now represents more than 300,000 full-time professional fire fighters and paramedics in more than 3,100 affiliates in the United States (including territories) and Canada
  - California State Firefighters' Association (CSFA) established (1922)
    - Established an as advocacy group to improve working conditions, firefighter health and safety, and fire safety laws
    - Trade organization whose members include volunteer and paid firefighters, fire management, and vendors
    - CPF and CSFA agreed in 2004 that CSFA would not contradict CPF positions on legislation or politics



- California Professional Firefighters (CPF) established (1938)
  - Represents more than 30,000 front line career firefighters in over 180 affiliated IAFF local unions
  - California's largest and most influential statewide firefighter organization, dedicated to serving career firefighters
  - Advocates on firefighters' health and safety, working conditions, job security, retirement security and workplace rights
- Public Safety Officer Benefit Act (1976)
  - Federal legislation signed by President Gerald Ford
  - Provides federal money to families of fire fighters killed in the line of duty
  - Has been expanded and amended over time
- Fire Fighter Bill of Rights (FFBOR) established (2007)
  - Inspired by the Police Officer Bill of Rights (1977)
  - Designed to apply principles of fairness and professionalism to the process of investigating and disciplining first responders
  - Puts in place basic procedural safeguards recognizing role of first responders
- 2. Identify current labor trends and engagement levels
  - Union participation levels falling nationally
  - Union participation generally increasing in fire service profession

#### Discussion Questions

1. What does the term "Local" mean?
2. What reasons might contribute to the decline in private sector union membership?
3. Why might public sector union membership be increasing?

#### Activities

1. Activity 2-2: Fire Service Labor/Management History
  - See *Fire Service Labor/Management Relations Student Supplement*

#### Instructor Notes

1. Recommend utilizing a timeline and layering events on it from each Unit 2 topic area while presenting the material
2. This topic is designed as a student-led teaching topic; as students present their findings on Activity 2-2, supplement with ELO content

### Topic 2-3: Management Eras

#### Terminal Learning Objective

At the end of this topic, a student, given historical management trends, will be able to describe how changing perceptions of management impact the labor/management relationship

#### Enabling Learning Objectives

1. Describe pre-industrial revolution management era
  - Small entrepreneurial businesses prevailed

- Business owner handled most tasks (coordination, planning, controlling, payments, resource allocation)
  - Some hierarchies seen in the church, military, and large trade, construction, and agricultural organizations
  - Reliance on slave labor (viewed as property not employees)
2. Describe the “execution” management era
- Industrial revolution creates larger scale industries
  - Owners needed “agents” to manage day-to-day activities within organizations
  - Focus on creating scale and execution of mass production
  - Management solutions focus on
    - Specialization of labor, efficiency, standardized processes, consistent production, predictability, quality control, workflow planning, basic accounting
    - Optimizing outputs generated from a specific set of inputs
    - Cost reduction and profit maximization
  - Term “management” in wide use by 1900s
  - Key theorists
    - Adam Smith
    - Frederick Winslow Taylor
    - Frank and Lillian Galbreth
    - Herbert R. Townes
    - Henry L. Grant
3. Describe the “expertise” management era
- Knowledge grows about what works in organizational management
  - 1881 – Wharton School founded by Joseph Wharton to produce “pillars of the state” to extend leadership across business and public life
  - 1908 – Harvard Business School established
  - Management viewed as a discipline of evidence and evolving theory
  - Focus on providing advanced services
  - Mid-twentieth century – large growth in management theory
  - Start importing theories from other fields
    - Sociology and psychology
    - Statistics and mathematical theory (formed basis of “operations management” field)
    - Science (led to theory of constraints, management by objectives, reengineering, Six Sigma, “waterfall” method of software development)
  - 1946 – Peter Drucker publishes Concept of the Corporation (attempting to outline managing large, complex organizations)
4. Describe the “empathy” management era
- Rise of “knowledge work” (white collar)
    - Value is not just created by workers producing goods and executing tasks, but also by workers’ use of information



- Managers shift to managing knowledge workers
- Changes relationship between management/subordinate
  - “Command-and-control” (authority) mindset fades
  - More emphasis on motivating and engaging (participative coaching) workers emerges
- Focus on creating complete and meaningful experiences
- 1995 – Daniel Goleman publishes Emotional Intelligence (EI as important as IQ for academic, professional, social, and interpersonal success)
- Increased dissatisfaction with organizations built during “business-as-machine” era
- 5. Identify current trends that may impact future management eras
  - Managing work done through networks, not lines of command
  - Managing work tied to emotions (how you feel about the work you do)
  - Managers creating communities for employees (i.e., Google, Apple, etc.)

#### Discussion Questions

1. How do the values of different employee eras (Baby Boomers, Generation X, Generation Y, Millennials, etc.) impact management?
2. What historical or cultural events impact management?

#### Activities

1. To be determined by the instructor

#### Instructor Notes

1. Recommend utilizing a timeline and layering events on it from each topic area as you present the material
2. Content based on “Management’s Three Eras: A Brief History” (Rita McGrath) from *Harvard Business Review* (<https://hbr.org/2014/07/managements-three-eras-a-brief-history>)

## Unit 3: Stakeholders

### Topic 3-1: Labor/Management Stakeholders

#### Terminal Learning Objective

At the end of this topic, a student, given a list of groups, organizations, and individuals, will be able to identify a broad range of stakeholders that may intersect with or influence the labor/management environment.

#### Enabling Learning Objectives

1. Identify differences between a trade association and a union
  - Trade association
    - Primarily a resource
    - Education/training
    - Advocacy
    - Communication/networking
  - Union
    - Bargaining agent

- Member representation
- Advocacy/political action
- 2. Identify groups that represent fire service professionals
  - Management
    - International City/County Management Association (ICMA)
      - International level
      - Professional trade association
    - International Association of Fire Chiefs (IAFC)
      - International level
      - Professional trade association
    - California Fire Chiefs Association (CFCA)
      - State level
      - Professional trade association
    - Fire Districts Association of California (FDAC)
      - State level
      - Professional trade association
    - League of California Cities (LOCC)
      - State level
      - Professional trade association
  - Labor
    - International Association of Fire Fighters (IAFF)
      - International level
      - Union
      - Affiliated with AFL-CIO
    - American Federation of Labor – Congress of Industrial Organizations (AFL-CIO)
      - International level
      - Union
    - American Federation of State, County and Municipal Employees (AFSCME)
      - National level
      - Union
    - California Professional Firefighters (CPF)
      - State level
      - Union
      - Affiliated with IAFF
    - California State Firefighters' Association (CSFA)
      - State level
      - Professional trade association
- 3. Identify elected offices that may intersect with the labor/management environment
  - Federal government
  - Governor
  - State legislature



- County board of supervisors
  - District boards
  - Mayor
  - City/town manager
  - City/town council
4. Identify health and safety organizations that may intersect with the labor/management environment
- National Institute of Standards and Technology (NIST)
    - Federal
    - Part of U.S. Department of Commerce
  - National Fire Protection Association (NFPA)
    - International
    - Consensus codes and standards, research, training, education, outreach, advocacy
  - National Institute of Occupational Safety and Health (NIOSH)
    - Federal
    - Part of the U.S. Centers for Disease Control and Prevention (CDC)
  - Occupational Safety and Health Administration (OSHA)
    - Federal
    - Part of U.S. Department of Labor
  - California Occupational Safety and Health Administration (Cal OSHA)
    - State
    - Part of California Department of Industrial Relations
5. Identify other government departments or agencies that may intersect with the labor/management environment
- California Emergency Medical Services Authority (EMSA)
    - Part of California Department of Health and Human Services
    - Certifying agency for emergency medical technicians and paramedics
  - Local EMSA (county/regional level)
    - Policy-making entity for local EMSA regions
    - Accrediting agency for paramedics, emergency medical technicians, and first responders
  - California Department of Motor Vehicles (DMV)
    - Certifying/licensing agency
  - Equal Employment Opportunity Commission (EEOC)
    - Federal
    - Enforces federal laws that make it illegal or discriminate against an employee
  - California Department of Fair Employment and Housing (FEPA)
    - State
    - Manages charges of discrimination and employment rights (with EEOC)
  - California Department of Justice
    - Office of the Attorney General, Civil Rights Enforcement Section

- State
- 6. Identify boards that may intersect with the labor/management environment
  - National Labor Relations Board (NLRB)
    - Federal level
  - Public Employees Relations Board (PERB)
    - State level
- 7. Identify ways in which community members are stakeholders in the labor/management environment
  - Pay taxes that fund services
  - Utilize and benefit from community fire services
  - Are the dependents of fire service professionals

#### Discussion Questions

1. What organizations and associations provide resources for labor personnel?
2. What organizations and associations provide resources for management personnel?
3. Why might the DMV get involved in a labor/management issue?
4. What organization represents volunteer fire fighters?

#### Activities

1. Activity 3-1: Labor/Management Stakeholders
  - See *Fire Service Labor/Management Relations Student Supplement*

#### Instructor Notes

1. This topic is designed as a student-led teaching topic; as students present their findings on Activity 3-1, supplement with ELO content

### Topic 3-2: Stakeholder Impact

#### Terminal Learning Objective

At the end of this topic, a student, given an overview of stakeholder variables, will be able to describe the complexities of stakeholders' influences on the labor/management environment

#### Enabling Learning Objectives

1. Identify differences between stakeholders
  - Different mission, vision, values, and goals
  - Different priorities
  - Different budgets and fiscal years
  - Different governing rules and regulations
  - Different work cycles and schedules
  - Different career lengths (long-term vs. short-term goals)
  - Term limits and election cycles
  - Different ethical boundaries
2. Describe how stakeholder difference can impact the labor/management environment
  - Not all decisions are made at the labor/management level
  - Conflicts of interest



### Discussion Questions

1. Can you give an example that illustrates how an outside stakeholder impacted a labor/management decision?
2. How would you interpret the phrase “Everybody answers to somebody”?
3. How might term limits or an election impact an on-going labor/management effort?
4. How might different stakeholder budget priorities impact a labor/management decision?

### Activities

1. To be determined by the instructor

### Instructor Notes

1. None

## Unit 4: Labor/Management Roles and Responsibilities

### Topic 4-1: Management Roles and Responsibilities

#### Terminal Learning Objective

At the end of this topic, a student, given a list of management participants and their functions, will be able to describe management’s roles and responsibilities in the labor/management partnership.

#### Enabling Learning Objectives

1. Identify the fire service related roles and responsibilities of the California governor
  - Responsibilities
    - Appoints people to committees, commissions, and boards
    - Enacts or vetoes legislation impacting labor/management
    - Approves state-level budgets
  - Authority
    - Elected official
    - Four-year term (max of 2 terms)
  - Influences
    - Motivated by lobbyists (including labor groups, city administrative groups, citizen groups, industry groups), constituents, media, political party platform, other elected officials
2. Identify the fire service related roles and responsibilities of the California State Legislature
  - Composition
    - 40 state senators (each represents approximately one million Californians)
    - 80 assembly members (one from each assembly district)
  - Responsibilities
    - Sponsor, draft, propose, and negotiate new legislation (bills)
    - Hold votes
    - Pass laws to govern California (including those that directly impact the fire service and labor/management relations)

- Votes on contracts for state-employed fire service professionals
- Authority
  - Elected officials
  - Senate – four-year term (max of 2 terms)
  - Assembly – two-year terms (max of 3 terms)
  - Each member reports to residents within their district
- Influences
  - Politically motivated by lobbyists (including labor groups, city administrative groups, citizen groups, industry groups/representatives), constituents, media, other elected officials
- 3. Identify fire service related roles and responsibilities of the governing bodies to whom a fire chief may report
  - Board of supervisors (BOS)
    - Responsibilities
      - Govern fire district (county agency/special district vs. city agency)
      - Appoint fire chief
      - Act as a fire board when one isn't in place
      - Approve budgets
      - Involved in fire service contract/MOU negotiations
      - Vote to ratify negotiated contracts/MOUs
    - Authority
      - Elected officials
      - Each member reports to constituents within their district
      - Occasionally contracted by cities to provide services
      - Majority vote establishes policies and guidelines
      - Subject to county/city charter
    - Influences
      - Politically motivated by citizens, labor groups, citizen groups, state-level politicians, media
  - Fire board
    - Responsibilities
      - Adopt fire prevention codes and ordinances
      - Acquire equipment
      - Define fire chief qualifications and duties
      - Appoint fire chief
      - Approve appointments made by fire chief
      - Involved in fire service contract/MOU negotiations
      - Vote to ratify negotiated contracts/MOUs
      - Approve mutual aid agreements
      - Enter joint power agreements
    - Authority
      - Elected officials
      - Each board member reports to residents within their district



- Occasionally contracted by cities to provide services
  - Majority vote establishes policies and guidelines
  - Subject to fire board charter and ordinances
  - Influences
    - Politically motivated by citizens, labor groups, citizen groups, state-level politicians, media
- City/town manager
  - Responsibilities
    - Top appointed official in a city/town
    - Prepare, monitor, and execute city/town budget
    - Day-to-day administrative operations of the municipality
    - Appoint officials (including fire chief)
    - Hire, fire, discipline, promote, or suspend fire chief
    - Public relations with citizens, businesses, and other stakeholders
    - May delegate labor/management activities to staff members
  - Authority
    - Appointed by the city/town council
    - No standard term limit
    - Subject to city/town charter and ordinances
  - Influences
    - Influenced by city/town council, citizen groups, labor groups, and businesses
- City/town council
  - Responsibilities
    - Parliamentary or congressional style legislative body
    - Propose bills
    - Hold votes
    - Pass laws to govern the city/town
    - May delegate labor/management activities to staff members
  - Authority
    - Elected officials
    - Term limits typically staggered in increments
    - Mayor can be elected or appointed and has varying levels of authority
    - Position of mayor rotates among all council members in some towns/cities
    - Mayor can be a part-time position in small cities/towns
    - Subject to city/town charter and ordinances
  - Influence
    - Politically motivated by citizen groups, labor groups, and businesses
- 4. Identify the labor/management roles and responsibilities of the fire chief
  - Responsibilities
    - Set department budget
    - Hire, fire, promote, and discipline employees

- Provide support services
    - Oversee fire prevention, community risk, and disaster preparedness
    - Collaborate with labor leaders on policies, procedures, and personnel
  - Authority
    - In a special district: reports directly to fire board or board of supervisors/county administrator
    - In a municipal fire department: reports to city/town manager
    - Subject to job description and AHJ rules, regulations, and policies
  - Influences
    - Influenced by city/town manager, city/town council, labor groups, citizens, citizen groups
5. Identify the labor/management roles and responsibilities of fire service executive management positions
- Positions
    - Assistant fire chief
    - Deputy chief
    - Division chief
  - Responsibilities
    - Under supervision of the fire chief
    - Plan, organize, direct, and administer all operations assigned by the fire chief
    - Collaborate with labor leaders on policies, procedures, and personnel
    - May represent fire chief during “meet and confer” process
    - May conduct interviews, investigations, and disciplinary activities
  - Authority
    - Reports to the fire chief
    - Given authority by fire chief based on rank and position
    - May be an “at-will” position
    - Subject to job description and AHJ rules, regulations, and policies
  - Influences
    - Directly influenced by fire chief’s direction
    - Communicates with the labor group for input
6. Identify the labor/management roles and responsibilities of fire service middle management positions
- Battalion chief
    - Responsibilities
      - Direct emergency scene operations
      - Supervise and perform specialized functions in support of the fire department operations
      - Direct day-to-day operations of company officers within battalion
      - May be assigned to special duties (training, EMS, etc.)
      - May represent fire chief during “meet and confer” process
      - May conduct interviews, investigations, and disciplinary activities



- Authority
  - Reports to assistant fire chief, deputy chief, division chief, or fire chief
  - Given authority by fire chief based on rank and position
  - Subject to job description and AHJ rules, regulations, and policies
- Influences
  - Directly influenced by supervising chief officer's direction
  - Communicates with the labor group for input
- 7. Identify the labor/management roles and responsibilities of fire service supervisory positions
  - Captain/Lieutenant
    - Responsibilities
      - Direct activities of fire personnel during assigned shift
      - Set up operations and take initial command at emergency scenes
      - Ensure safe operations of fire equipment and personnel
      - Public education
      - Fire prevention
      - Enforcing department policies at the fire station level
      - May conduct interviews, investigations, and disciplinary activities
    - Authority
      - Reports directly to shift battalion chief or chief officer
      - Subject to job description and AHJ rules, regulations, and policies
    - Influences
      - Directly influenced by supervising chief officer's direction

#### Discussion Questions

1. To whom does the fire chief in your organization report?
2. What role might a city/town manager play in a contract negotiation?
3. What differences exist between a board of supervisors and a fire board?

#### Activities

1. Activity 4-1: Management Roles and Responsibilities
  - See *Fire Service Labor/Management Relations Student Supplement*

#### Instructor Notes

1. None

### Topic 4-2: Labor Roles and Responsibilities

#### Terminal Learning Objective

At the end of this topic, a student, given a list of labor participants and their functions, will be able to describe individual roles and responsibilities within the international (IAFF), state (CPF), and local union structure

#### Enabling Learning Objectives

1. Identify the roles and responsibilities of international and state labor leadership
  - President
    - Serve as executive head of the organization

- Serve on the organization's executive board
  - Preside at all executive board meetings and general convention sessions
  - Enforce and interpret organization's constitution and by-laws
  - Resolve disputes or controversies regarding meaning or application of organization's constitution or by-laws
  - Secretary-Treasurer
    - Receive all money due
    - Serve on the organization's executive board
    - Custodian of all records, books, papers, and property
    - Maintain and keep current membership records
    - Audit books, accounts, and membership records of any affiliated local union or subordinate body
    - Execute and file reports to federal and state authorities
  - District vice presidents
    - IAFF has 16 district vice presidents
    - CPF has eight district vice presidents
    - Serve on the executive board
    - Responsible for all policy decisions
    - Provide beneficial services to members
    - May utilize district field service representatives (DFSR) to assist members when needed
2. Identify the roles and responsibilities of a local union president
- Authority
    - Elected position
    - Many are compensated
    - Administrative and presiding officer for local union
  - Responsibilities
    - Preside at all general membership and executive board meetings
    - Serve as executive head of local union
    - Member ex-officio of all committees
    - Appoint committees authorized by constitution, by-laws, or membership
    - Sign all orders and checks
    - Enforce constitution and by-laws of state and/or national affiliate as they apply to local union
    - Enforce constitution and by-laws of local union
    - Final authority interpretation of local union constitution and by-laws
    - General supervision of other officers and committee chairs
    - Local delegate to state and/or national conventions
3. Identify the roles and responsibilities of a local union vice president
- Authority
    - Elected position
    - Many are compensated



- Responsibilities
  - Assist president as president determines
  - Member of executive board
  - Preside at general membership and executive board meetings in president's absence
  - Serve as acting president during office vacancy until executive board holds election
  - Serve on committees
- 4. Identify the roles and responsibilities of a local union secretary
  - Authority
    - Elected position
    - Many are compensated
    - Sometimes combined with treasurer role
  - Responsibilities
    - Custody of all local union documents
    - Serve as secretary of executive board
    - Keep accurate record of executive board and member meetings
    - Conduct correspondence
    - Maintain current list of members in good standing
    - Execute and file reports with federal and state authorities
    - May serve on committees
- 5. Identify the roles and responsibilities of a local union treasurer
  - Authority
    - Elected position
    - Many are compensated
    - Sometimes combined with secretary role
  - Responsibilities
    - Receive and disburse all local union money
    - Keep current records for all financial transactions (dues, investments, etc.)
    - Exhibit receipts and vouchers during audit
    - Forward annual local union audit to state and/or national secretary-treasurer
    - Usually exempt from serving on committees
- 6. Identify the roles and responsibilities of local union trustees
  - Assist union president and secretary/treasurer with finance and accounting
- 7. Identify the roles and responsibilities of a local union executive board
  - Composition
    - President
    - Vice president
    - Secretary
    - Treasurer
    - Other elected or appointed members (varies by organization)
  - Authority

- Elected by membership at annual meeting
  - Meet at president's call or membership majority call
- Responsibilities
  - Supervise and control local union's invested funds and property
  - Act for local union during intervals between meetings
    - Acts are subject to member confirmation at next regular meeting
  - Provide annual audit of treasurer's books
  - Monitor and enforce collective bargaining agreement provisions
  - Represent employees in labor/management interactions
  - Communicate official union policy, memos, and directives to union members
- 8. Identify the roles and responsibilities of a shop steward or shift representative
  - Union representative of a group of co-workers who carries out union duties within an operation (i.e., handling grievance, member recruitment, etc.)
  - Elected by union members or appointed by higher union officials
  - Remains an employee and handles union business on a part-time basis
  - May monitor and enforce collective bargaining agreement provisions
  - May represent employees in labor/management interactions
  - Communicate official union policy, memos, and directives to union members
  - Communicate member positions to union leadership
  - Promote union consciousness and values in the workplace
- 9. Identify the roles and responsibilities of a local union business agent
  - May be compensated
  - Usually on a contract-basis
  - Represents a local union and its membership in dealing with an employer
- 10. Identify the roles and responsibilities of a local union district field service representative
  - Provide on-site technical assistance to local affiliates
    - Collective bargaining
    - Initial contracts
    - Mediation
    - Paralegal support
    - Expert testimony during arbitration
- 11. Identify the roles and responsibilities of union members
  - Acquire membership based on department/agency and its representing labor group
  - Vote for union officers
  - Pay monthly dues entitling them to representation and access to benefit programs
  - Attend general membership meetings
  - Serve on committees
  - Assist with union efforts
    - Political campaigning
    - Charitable activities
  - Vote on collective bargaining agreements and other union business
- 12. Identify the roles and responsibilities of union non-members



- Member of an organization represented by a union may opt out of union membership
- May not be entitled to internal union member benefits or representation
- Entitled to same MOU contract (wage and benefits) as union members
- Entitled/held to same due process (for disciplinary processes, promotions, etc.)

#### Discussion Questions

1. What are the term limits of union officers in your local union?
2. Why would the union want to ensure that non-members are held to the same standard for disciplinary processes, promotions, etc.?
3. What resources are available to local union officers for additional information or legal support?

#### Activities

1. Activity 4-2: Labor Roles and Responsibilities
  - See *Fire Service Labor/Management Roles and Responsibilities*

#### Instructor Notes

1. None

### Topic 4-3: Supporting Roles and Responsibilities

#### Terminal Learning Objective

At the end of this topic, a student, given a list of individuals that support the labor/management process and their functions, will be able to describe the support structure available to assist in labor/management relations

#### Enabling Learning Objectives

1. Identify the roles and responsibilities of individuals that may work with labor or management to support the decision-making process
  - Contract negotiator
    - Hired by either group to administer, negotiate, extend, terminate, and/or renegotiate contract terms
  - Legal council
    - Hired by either group to work on contract negotiations, labor disputes, disciplinary action, worker's compensation, etc.
  - Consultant
    - Hired by either group to provide expertise or support
    - Labor relations manager (management)
    - Business agent (labor)
    - Public relations firms
      - Messaging
      - Graphic design
      - Publications
  - Lobbyist
    - Hired by either group to persuade legislators to support that group's priorities in their voting decisions

**Discussion Questions**

1. In what situations might labor or management require this type of support?
2. What are the advantages to hiring these roles?
3. What are the disadvantages to hiring these roles?

**Activities**

1. To be determined by the instructor

**Instructor Notes**

1. None

## **Unit 5: Legislation (Rights and Restrictions)**

### **Topic 5-1: Labor Laws**

**Terminal Learning Objective**

At the end of this topic, a student, given an overview of key federal and state labor laws, will be able to describe rights and restrictions applicable to labor/management relations

**Enabling Learning Objectives**

1. Identify and describe the rights and restrictions granted by federal labor/management legislation and to whom those rights and restrictions apply
  - Railway Labor Act (1926)
  - National Labor Relations Act (1935)
  - Taft-Hartley Act (1947)
  - Labor Management Reporting and Disclosure Act (1959)
2. Identify and describe the rights and restrictions granted by state labor/management legislation and to whom those right and restrictions apply
  - Meyers-Milias-Brown Act (1968)
  - Ralph C. Dills Act (1977)
3. Identify the disciplinary issues and resulting court cases that contributed to the Firefighter Procedural Bill of Rights
  - Garrity v. New Jersey (385 U.S. 493) in 1967
  - NLRB v. Weingarten, Inc. (420 U.S. 251) in 1975
  - Skelly v. State Personnel Board (15 Cal. 3d 194) in 1975
  - Cleveland Board of Education v. Loudermill (470 U.S. 532) of 1985
  - Lybarger v. City of Los Angeles (40 Cal. 3d 822) in 1985
  - Spielbauer v. County of Santa Clara (45 Cal. 4th 704) in 2009
4. Identify and describe the rights and restrictions granted by the Firefighter Procedural Bill of Rights (2007)
  - Firefighter Procedural Bill of Rights (2007)

**Discussion Questions**

1. Are you covered by the Meyers-Milias-Brown Act or the Ralph C. Dills Act?
2. What inspired or laid the foundation for the Firefighter Procedural Bill of Rights?
3. Which of these court cases (referencing ELO 3) had you heard of before today?



### Activities

1. Activity 5-1: Labor Laws
  - See *Fire Service Labor/Management Relations Student Supplement*

### Instructor Notes

1. Content corresponds with Labor Laws section of *Student Supplement*
2. Note that NLRA (1935) states that government employees are exempt, but local governments have the power to enact their own labor relations laws for state and local public employees
3. CPF has a very good video series explaining the FBOR
  - Part I: Understanding the Firefighter Bill of Rights (4:12)  
(<http://www.cpf.org/go/cpf/media-center1/cpf-fire-vision/cpf-firevision-know-your-rights/>)
  - Part II: Background and History (3:11)  
(<http://www.cpf.org/go/cpf/media-center1/cpf-fire-vision/cpf-firevision-know-your-rightspt-2/>)
  - Part III: Transparency in the Interrogation and Disciplinary Process (3:43)  
(<http://www.cpf.org/go/cpf/media-center1/cpf-fire-vision/cpf-firevision-firefighters-bill-of-rights-part-3/>)

## Topic 5-2: Employment Equality Laws

### Terminal Learning Objective

At the end of this topic, a student, given an overview of key federal and state employment laws, will be able to describe the rights and restrictions applicable to public and private employers and employees

### Enabling Learning Objectives

1. Identify and describe the rights and restrictions granted by federal employment legislation and to whom those rights and restrictions apply
  - Fair Labor Standards Act (1938)
  - Equal Pay Act (1963)
  - Civil Rights Act (1964)
  - Americans with Disabilities Act (1990)
2. Identify and describe the rights and restrictions granted by state employment legislation and to whom those rights and restrictions apply
  - Fair Employment and Housing Act (1959)

### Discussion Questions

1. Which act do you think has had the most impact on the fire service, and why?
2. FLSA was intended as a job creation bill; is that still relevant in today's public service environment (cost of new employee vs. overtime)?

### Activities

1. Activity 5-2: Employment Equality Laws  
Using their individual MOUs, have students identify their FLSA work cycle

**Instructor Notes**

1. Content corresponds Employment Equality Laws section of *Student Supplement*

**Topic 5-3: Employment Benefit Laws**

**Terminal Learning Objective**

At the end of this topic, a student, given an overview of key federal and state employment benefit laws, will be able to describe the rights and restrictions applicable to public and private employers and employees

**Enabling Learning Objectives**

1. Identify and describe the rights and restrictions granted by federal employment benefits legislation and to whom those rights and restrictions apply
  - Family Medical Leave Act (1993)
  - Health Insurance Portability and Accountability Act (1996)
  - Affordable Care Act (2010)
2. Identify and describe the rights and restrictions granted by state employment benefits legislation pertaining and to whom those rights and restrictions apply
  - California Public Employees Pension Reform Act (2013)

**Discussion Questions**

1. What impact does FMLA have on management? What about labor?
2. What impact does HIPAA have on management? What about labor?
3. What impact does ACA have on management? What about labor?
4. What impact does PEPRA have on management? What about labor?

**Activities**

1. To be determined by the instructor

**Instructor Notes**

1. Content corresponds with Employment Benefits Laws section of *Student Supplement*

**Topic 5-4: Additional Laws**

**Terminal Learning Objective**

At the end of this topic, a student, given an overview of additional laws that indirectly impact employment, will be able to describe the rights and restrictions applicable to public and private employers and employees

**Enabling Learning Objectives**

1. Federal
  - United States Constitutional Amendments (1791-present)
    - 1<sup>st</sup> amendment
    - 4<sup>th</sup> amendment
    - 5<sup>th</sup> amendment
    - 6<sup>th</sup> amendment
    - 14<sup>th</sup> amendment
  - Freedom of Information Act (1966)
2. State



- California Penal Code (1872)
- Administrative Procedures Act (1945)
- California Public Records Act (1968)

**Discussion Questions**

1. What role do the 1<sup>st</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, and 14<sup>th</sup> amendments play in the fire service?

**Activities**

1. To be determined by the instructor

**Instructor Notes**

1. Content corresponds with Additional Laws section of *Student Supplement*

## Unit 6: Working Relationship

### Topic 6-1: Bargaining

**Terminal Learning Objective**

At the end of this topic, a student, given different bargaining models and methods, will be able to describe the bargaining processes through which labor contracts and working conditions are achieved

**Enabling Learning Objectives**

1. Identify the goals of bargaining
  - Improve or change a situation
  - Achieve mutual benefit
    - Fiscal responsibility
    - Sustainability
2. Describe the “right to work” bargaining model
3. Describe the “binding arbitration” bargaining model
4. Describe the “collective bargaining” bargaining model
  - Describe “good faith bargaining”
  - Identify options when good faith bargaining breaks down
    - Mediation
    - Arbitration
      - Binding
      - Non-binding
    - Impasse
      - Last, best, final offer (LBFO)
      - Mandatory fact finding
    - Imposed contract (one-year)
  - Describe “concession” bargaining
  - Describe “interest-based” bargaining
5. Identify guidelines and behaviors that have a positive impact on labor/management bargaining processes
  - Fostering relationships prior to bargaining
  - Active communication

- A clear understanding of the process and expectations
- Well-designed ground rules
- Respect
- Flexibility
- Transparency
- Integrity

#### Discussion Questions

1. Have you been involved in a negotiation?
  - How did it work out?
  - What process did you use?
  - How could it have been improved?
2. What can you do now to prepare for future bargaining experiences?

#### Activities

1. Activity 6-1: Contract Comparison
  - See *Fire Service Labor/Management Relations Student Supplement*

#### Instructor Notes

1. None

### Topic 6-2: Dispute Resolution – Grievance Process

#### Terminal Learning Objective

At the end of this topic, a student, given a sample grievance, will be able to participate in a general grievance process so that the impacted parties resolve the grievance amicably and internally

#### Enabling Learning Objectives

1. Identify factors that trigger the grievance process
  - Actual or perceived contract violation
    - Unilateral infraction of the labor agreement
    - Unilateral disregard of past practice
    - Disregard of safety or fair treatment of an employee
    - Infraction of the law
  - Grievances generally move from labor to management (bottom to top)
2. Describe the steps in a basic grievance process
3. Identify how arbitration can be used in a grievance process
4. Identify how mediation can be used in a grievance process
5. Identify common mistakes made during the grievance process
  - Missing deadlines
  - Misinterpretation of policies
  - Policies and procedures misaligned with current practice
  - Emotional or ego-based decision making
  - Lack of communication
  - Inadequate fact finding or investigations
  - Failure to maintain settlement records



6. Identify what happens when a grievance is not resolved internally
  - Unfair labor practice
  - Wage claim adjudication
  - Litigation
  - Censure
  - Vote of no confidence

#### Discussion Questions

1. What is your department/agency grievance process?
2. Can you provide an example of a grievance filed and its outcome?
3. Are there ways in which grievances can be avoided?
4. What factors can derail the grievance process?

#### Activities

1. To be determined by the instructor

#### Instructor Notes

1. ELO 2: Recommend using IAFF grievance forms as an example and to outline the process (See *Fire Service Labor/Management Relations Student Supplement*)
  - Appendix B: Grievance Information Form
  - Appendix C: Grievance Form
2. Remind students not to use names or specifics that will reveal confidential information.

### Topic 6-3: Dispute Resolution – Disciplinary Process

#### Terminal Learning Objective

At the end of this topic, a student, given a sample disciplinary issue, will be able to participate in a general disciplinary process so that the impacted parties resolve the issue amicably and internally

#### Enabling Learning Objectives

1. Identify the goal of the disciplinary process
  - Change employee behavior
    - Keep and improve employee
    - Retain investment in employee
  - Rehabilitative, not punitive
    - Employee Assistance Program (deferment)
      - Assessments
      - Counseling
      - Referrals
2. Identify behaviors that trigger the disciplinary process
  - Discipline generally moves from management to labor (top to bottom)
3. Describe the steps in a basic disciplinary process
  - Policy-driven
    - Pre-disciplinary/deprivation model
    - Post-disciplinary/deprivation model
  - Progressive model

- Steps
  - Oral
  - Written
  - Action
  - Financial
  - Termination
- Considerations
  - Personnel files
    - Employer required to notify employee of all additions
      - Employee right to rebut/refute
    - Employee right to review
  - Previous performance evaluations
  - Supervisor's notes
    - Poole vs. Orange County Fire Authority (2015)
- 4. Identify agencies/organizations that may be involved in the disciplinary process
  - Employee's department/agency
    - Outside investigator
  - Employee's union/association
  - Law enforcement
    - Criminal proceedings
  - Licensing or certifying organization
    - DMV
    - EMSA
  - Legal system
- 5. Identify common mistakes made during the disciplinary process
  - Breach of confidentiality
  - Involving the media
  - Misinterpretation of policies
  - Failure to follow Firefighter Bill of Rights (FBOR)
  - Lack of communication
  - Inadequate investigations
  - Waiting too long to initiate
  - Sharing inappropriate information "across lanes" or between investigating agencies

#### Discussion Questions

1. Excluding the names and agencies of those involved, can you share a disciplinary story with a successful resolution?
2. When would a union representative defer an issue to legal counsel?
3. Are union representatives protected by attorney/client privilege?
4. Is paid administrative leave considered punitive action?
5. When investigating potential criminal misconduct, should the criminal or administrative investigation occur first?
  - Why?



- How does that impact mandatory timelines?

**Activities**

1. Activity 6-3: Dispute Resolution

Using an instructor-prepared scenario, have four students play the roles of employee, union representative, investigator 1, and investigator 2, and work through a sample investigation

**Instructor Notes**

1. Activity is designed to be about 35 minutes (10 minutes preparation / 10 minutes role play / 15 minutes discussion)

## Unit 7: Collaboration

### Topic 7-1: Challenges

**Terminal Learning Objective**

At the end of this topic, a student, given an overview of internal and external influences, will be able to identify and navigate challenges that may undermine positive labor/management partnerships

**Enabling Learning Objectives**

2. Identify external influences beyond labor/management control that can impact labor/management decisions
  - Legislative action
    - Patient Protection and Affordable Care Act (2010) (Cadillac tax)
    - California Public Employees' Pension Reform Act (PEPRA) (2013)
    - Tax law changes
  - Economy
    - Reduced or alternate funding
    - Bankruptcy
      - Michigan: Detroit
      - California: Orange County, Vallejo, San Bernardino, Stockton
    - Voter-approved reforms
      - San Diego (Proposition B)
      - San Jose (Measure B)
    - Recession
  - Political power
    - Elected officials
    - Grand juries
    - Citizen groups
  - Media
    - Traditional outlets
    - Digital outlets
    - Social/networked media
3. Identify internal influences that can impact positive labor/management partnerships

- Unethical behavior
- Conflicting motivation and goals
- Lack of accountability
- Poor communication
- Holding grudges
- Existing biases
- Confidentiality breach
- Bureaucracy
- Lack of education/understanding about labor/management roles
- Personal problems
- Personality conflict
- Lack of professionalism
  - Ego
  - Emotional decisions
- Organizational culture
- Chain of command
- Rank of labor personnel
- Low morale

#### **Discussion Questions**

1. What can labor leaders do to create a positive and collaborative atmosphere for labor negotiations?
2. What steps can administrators take to create a positive and collaborative atmosphere for labor negotiations?

#### **Activities**

1. To be determined by the instructor

#### **Instructor Notes**

1. None

### **Topic 7-2: Collaboration**

#### **Terminal Learning Objective**

At the end of this topic, a student, given an overview of federal, state, and local best practices, collaborations, and initiatives, will be able to identify and initiate positive labor/management partnerships

#### **Enabling Learning Objectives**

1. Identify federal initiatives, collaborations, and best practices that support positive labor/management partnerships
  - National Fire Protection Association (NFPA)
    - Labor and management have seats on the board and collaborate on international consensus standards
  - Labor Management Alliance/Initiative (LMI)
    - Joint initiative of IAFC (management) and IAFF (labor)



- Designed to help develop and improve cooperative and collaborative labor/management relationships to avoid critical labor-management issues, disputes, and costly arbitrations
  - Fire Service Joint Labor Management Wellness-Fitness Initiative (1997)
    - Historic partnership between IAFF and IAFC to improve the wellness of fire department uniformed personnel
    - A complete commitment to the health, safety, and longevity of all uniformed personnel; productivity and performance of all fire crews; cost effectiveness and welfare of all fire departments
    - Commitment to overcoming historic fire service punitive approaches to physical fitness and wellness issues
  - Safety Stand Down
    - Joint initiative of National Volunteer Fire Council (NVFC), International Association of Fire Fighters (IAFF), and International Association of Fire Chiefs (IAFC)
    - Supported by national and international fire and emergency service and health and safety-related organizations and agencies
    - An annual week-long emphasis on safety
    - Departments encouraged to suspend non-emergency activity to focus on safety training and education
2. Identify statewide initiatives, collaborations, and best practices that support positive labor/management partnerships
- CAL FIRE Office of the State Fire Marshall
    - Labor and management serve together on the State Board of Fire Services (SBFS ) and the Statewide Training and Education Advisory Committee (STEAC)
    - Labor and management collaborate on curriculum development cadres through the State Fire Training (SFT) Division
  - California Firefighter Joint Apprenticeship Committee (Cal-JAC)
    - Collaboration between the Office of the State Fire Marshal (representing management) and the California Professional Firefighters (AFL-CIO) (representing labor)
    - Strives to improve quality of education and training within the fire service and set a professional standard for firefighters statewide
    - Emphasizes the value of recruiting well trained and qualified firefighting personnel from the ranks of underrepresented and target groups
  - Safety Stand Down
    - Collaboration between California Fire Chiefs Association (Cal Chiefs) and California Professional Firefighters (CPF)
    - Annual event on the date of the California Firefighters Memorial
3. Identify local initiatives, collaborations, and best practices that support positive labor/management partnerships

- Joint safety committees
  - Standing meetings between labor/management to stay current and connected
    - Labor shares what's going on in the fire house
    - Management shares what's going on at the administrative level
    - Additional stakeholders as needed (city manager, finance manager, etc.)
  - Collaborate on strategic plans
  - Attend training and education courses/programs/conferences together
  - Prioritize goals of the fire service over personal agendas
    - Fire and life safety
      - Staffing levels
      - Equipment
      - Budgetary support
    - Fire protection
    - Fire prevention
    - Public education
      - Marketing
      - Public perception
      - Consistent messaging
      - Community risk reduction
  - Prioritize larger goals of positive labor/management partnerships over personal agendas
    - Increase cooperation between labor and management
    - Strengthen labor/management partnership
    - Save time and money
    - Enhance professional perception of the fire service
4. Initiate a positive labor/management partnership

#### Discussion Questions

1. How do labor and management collaborate within your agency?
2. On what issues do labor and management agree within your agency?
3. On what issues do labor and management disagree within your agency?
  - How are you working to resolve those issues?

#### Activities

1. Activity 7-2: Individual Action Plan
  - See *Fire Service Labor/Management Relations Student Supplement*

#### Instructor Notes

1. Recommend showing Cal-JAC video "Creating Excellence" (8:09)
  - <http://www.cffjac.org/go/jac/media-center/video-gallery/creating-excellence/>



## Time Table

Segment	Lecture Time	Activity Time	Total Unit Time
<b>Unit 1: Introduction</b>			
Topic 1-1: Orientation and Administration			
Lecture	0:30		
Activity 1-1: Determined by instructor		0:00	
Topic 1-2: Goals and Expectations			
Lecture	0:30		
Activity 1-2: Introductions/Goals		0:30	
<b>Unit 1 Totals</b>	<b>1:30</b>	<b>0:30</b>	<b>2:00</b>
<b>Unit 2: Labor/Management History</b>			
Topic 2-1: General Labor/Management History			
Lecture	2:00		
Activity 2-1: Determined by instructor		0:00	
Topic 2-2: Fire Service Labor/Management History			
Lecture	0:30		
Activity 2-2: Fire Service Labor/Management History		0:30	
Topic 2-3: Management Eras			
Lecture	1:00		
Activity 2-3: Determined by instructor		0:00	
<b>Unit 2 Totals</b>	<b>3:30</b>	<b>0:30</b>	<b>4:00</b>
<b>Unit 3: Stakeholders</b>			
Topic 3-1: Labor/Management Stakeholders			
Lecture	0:15		
Activity 3-1: Labor/Management Stakeholders		0:45	
Topic 3-2: Stakeholder Impact			
Lecture	0:30		
Activity 3-2: Determined by instructor		0:00	
<b>Unit 3 Totals</b>	<b>0:45</b>	<b>0:45</b>	<b>1:30</b>
<b>Unit 4: Labor/Management Roles and Responsibilities</b>			
Topic 4-1: Management Roles and Responsibilities			
Lecture	1:15		
Activity 4-1: Management Roles and Responsibilities		0:15	



Segment	Lecture Time	Activity Time	Total Unit Time
Topic 4-2: Labor Roles and Responsibilities			
Lecture	1:00		
Activity 4-2: Labor Roles and Responsibilities		0:15	
Topic 4-3: Supporting Roles and Responsibilities			
Lecture	0:15		
Activity 4-3: Determined by Instructor		0:00	
<b>Unit 4 Totals</b>	<b>2:30</b>	<b>0:30</b>	<b>3:00</b>
<b>Unit 5: Legislation</b>			
Topic 5-1: Labor Laws			
Lecture	1:00		
Activity 5-1: Labor Laws		0:30	
Topic 5-2: Employment Equality Laws			
Lecture	0:20		
Activity 5-2: Employment Equality Laws		0:10	
Topic 5-3: Employment Benefit Laws			
Lecture	0:30		
Activity 5-3: Determined by instructor		0:00	
Topic 5-4: Additional Laws			
Lecture	0:30		
Activity 5-4: Determined by instructor		0:00	
<b>Unit 5 Totals</b>	<b>2:20</b>	<b>0:40</b>	<b>3:00</b>
<b>Unit 6: Working Relationship</b>			
Topic 6-1: Bargaining			
Lecture	1:30		
Activity 6-1: Contract Comparison		0:30	
Topic 6-2: Dispute Resolution – Grievance Process			
Lecture	1:00		
Activity 6-2: Determined by instructor		0:00	
Topic 6-3: Dispute Resolution – Disciplinary Process			
Lecture	0:30		
Activity 6-3: Dispute Resolution		0:30	
<b>Unit 6 Totals</b>	<b>3:00</b>	<b>1:00</b>	<b>4:00</b>
<b>Unit 7: Collaboration</b>			



Segment	Lecture Time	Activity Time	Total Unit Time
Topic 7-1: Challenges			
Lecture	0:30		
Activity 7-1: Determined by instructor		0:00	
Topic 7-2: Collaboration			
Lecture	1:00		
Activity 7-2: Individual Action Plan		0:30	
<b>Unit 7 Totals</b>	<b>1:30</b>	<b>0:30</b>	<b>2:00</b>
<b>Lecture, Activity, and Unit Totals:</b>	<b>15:05</b>	<b>4:25</b>	<b>19:30</b>

**Course Totals**

Total Lecture Time (LT)	15:05
Total Activity Time (AT)	4:25
Total Testing Time (TT)	0:00
Total Skill Exercise Time (ST)	0:00
<b>Total Course Time</b>	<b>19:30</b>

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# Fire Service Labor/Management Relations

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Student Supplement  
[Month Year]



California Department of Forestry and Fire Protection  
Office of the State Fire Marshal  
State Fire Training

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## Fire Service Labor/Management Relations Student Supplement

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Cover photo courtesy of International Association of Fire Fighters (IAFF) Local 1230.

## Activity 2-2: Fire Service Labor/Management History

**Format:** Small Group

**Time Frame:** 0:30

**Description**

This activity provides students with an opportunity to research key events in fire service labor/management history.

**Instructions**

1. Using Internet research, identify key elements of the historical events assigned.
2. Share your findings with the group.

Event/Era	
Early era fire fighter work environment (pre-1900s)	
What happened?	Why is it important?
International Association of Fire Chiefs (IAFC) established (1873)	
What happened?	Why is it important?
First fire fighter unions formed (1903)	
What happened?	Why is it important?



<b>International Association of Fire Fighters (IAFF) established (1918)</b>	
<b>What happened?</b>	<b>Why is it important?</b>
<b>California State Firefighters' Association (CSFA) established (1922)</b>	
<b>What happened?</b>	<b>Why is it important?</b>
<b>California Professional Firefighters (CPF) established (1938)</b>	
<b>What happened?</b>	<b>Why is it important?</b>
<b>Public Safety Office Benefit Act (1976)</b>	
<b>What happened?</b>	<b>Why is it important?</b>
<b>Fire Fighter Bill of Rights (FFBOR) established (2007)</b>	
<b>What happened?</b>	<b>Why is it important?</b>

## **Activity 3-1: Labor/Management Stakeholders**

**Format:** Small Group

**Time Frame:** 0:45

### **Description**

This activity provides students with an opportunity to identify stakeholders in the fire service labor/management partnership.

### **Instructions**

1. In your group, brainstorm a list of labor/management stakeholders.
2. Document your list on Post-It paper and share with group.
3. Fill in any additional stakeholders as groups share their findings.

### **Potential Stakeholder Categories**

- Management groups
- Labor groups
- Elected officials
- Health and safety organizations
- Government departments or agencies
- Boards and organizations
- Community members



## Activity 4-1: Management Roles and Responsibilities

**Format:** Individual/Small Group

**Time Frame:** 0:15

### Description

This activity provides students with an opportunity to identify the management “chain of command” within their organization.

### Instructions

1. Using the chart on the following page, identify the individuals and entities/organizations in your management chain of command.

### Potential People in Management Chain

- Governor
- State Legislators (senate / assembly)
- Board of supervisors
- Fire board
- City/town council
- City/town manager
- Fire chief
- Assistant chief / deputy chief / division chief
- Battalion chief
- Captain / lieutenant

## Activity 4-2: Labor Roles and Responsibilities

**Format:** Individual/Small Group

**Time Frame:** 0:15

### Description

This activity provides students with an opportunity to identify the labor “chain of command” within their organization.

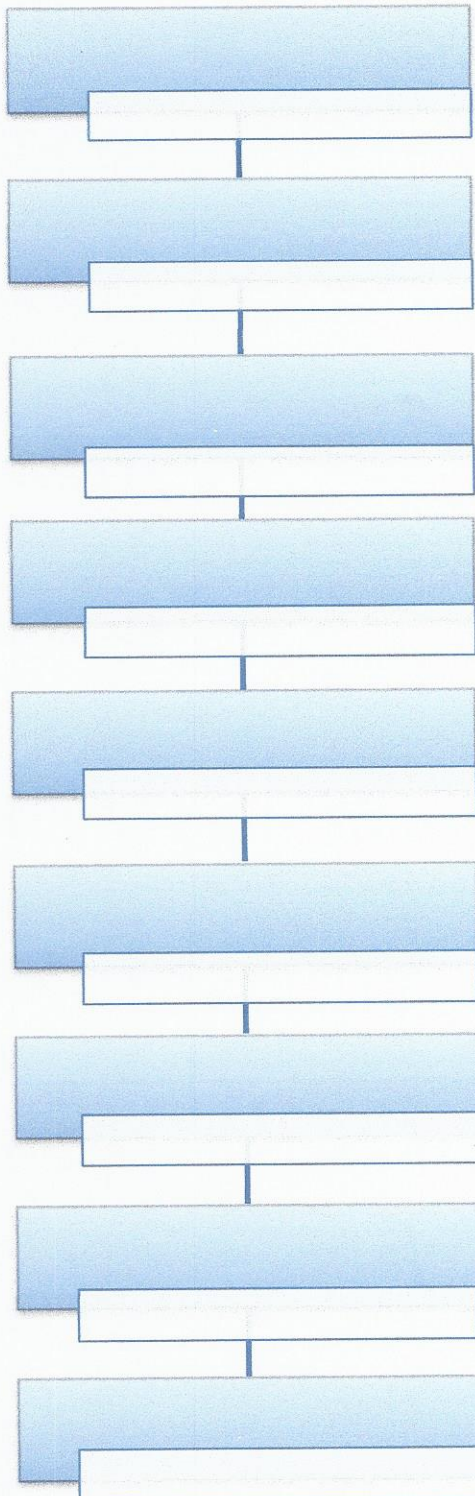
### Instructions

1. Using the chart on the following page (or the design-you-own page after that), identify the individuals and entities/organizations in your labor chain of command.

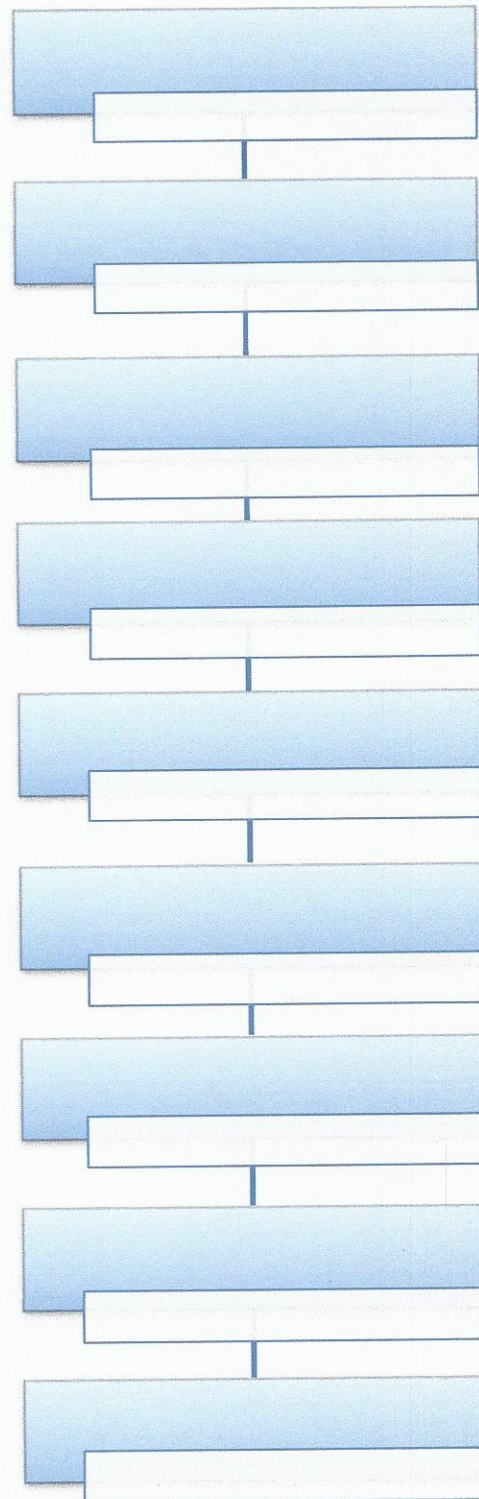
### Potential People in Labor Chain

- International/state union president
- District vice president
- Local union president
- Local union vice president
- Shop steward / shift representative

**Management Chain of Command**



**Labor Chain of Command**





**Management Chain of Command**  
(design your own)

**Labor Chain of Command**  
(design your own)

## Legislation (Rights and Restrictions)

### Labor Laws

#### Federal Labor/Management Legislation

##### Railway Labor Act (1926)

<b>Other Names</b>	RLA
<b>Authority</b>	Federal
<b>Overview</b>	<ul style="list-style-type: none"><li>• Response to decades of railroad labor unrest, including widespread and often violent work stoppages</li><li>• Addressed issues not covered by the Transportation (Esch-Cummins) Act (1920)</li><li>• First federal law guaranteeing the right of workers to organize and join unions and elect representatives without employer coercion or interference</li></ul>
<b>Rights and/or Restrictions</b>	<ul style="list-style-type: none"><li>• Includes a policy statement and provisions designed to avoid or delay interruption to commerce by a strike</li><li>• Ensures unhindered right of employees to join a labor union (added 1934)</li><li>• Provides independence or organization by both parties to carry out RLA purposes</li><li>• Assists in prompt, orderly dispute settlements regarding pay, work rules, or working conditions</li><li>• Assists in prompt, orderly dispute settlement regarding grievances or interpretation/application of existing contracts regarding pay, work rules, or working conditions</li></ul>
<b>Audience (applies to)</b>	<ul style="list-style-type: none"><li>• Freight and commuter railroads</li><li>• Airlines (added in 1936)</li><li>• Companies directly or indirectly controlled by carriers performing services related to freight or passenger transportation</li><li>• Employees of said railroads, airlines, and companies</li></ul>

##### National Labor Relations Act (1935)

<b>Other Names</b>	<ul style="list-style-type: none"><li>• NLRA</li><li>• Wagner Act</li></ul>
<b>Authority</b>	Federal



**[Short Course Title]**

## Legislation (Rights and Restrictions)

<b>Overview</b>	<ul style="list-style-type: none"><li>• One of most important legacies of Roosevelt's New Deal</li><li>• Reversed years of federal opposition to organized labor</li><li>• Contributed to dramatic surge in union membership<ul style="list-style-type: none"><li>◦ Especially women (by end of 1930s, 800,000 women in unions, three times more than in 1929)</li></ul></li><li>• Made labor an influence in political and economic decisions</li></ul>
<b>Rights and/or Restrictions</b>	<ul style="list-style-type: none"><li>• Guarantees employees' right to organize, form unions, and bargain collectively with employers</li><li>• Assures workers an option to belong to a union or not</li><li>• Promotes collective bargaining as foundation to peaceful labor/management relations</li><li>• Created the National Labor Relations Board (NLRB) to<ul style="list-style-type: none"><li>◦ Arbitrate deadlocked labor-management disputes</li><li>◦ Guarantee democratic union elections</li><li>◦ Penalize unfair labor practices by employers</li></ul></li></ul>
<b>Audience (applies to)</b>	<ul style="list-style-type: none"><li>• All employers involved in interstate commerce except airlines, railroad, agriculture, and government (authority for these groups comes from other legislation)</li></ul>

**Taft-Hartley Act (1947)**

<b>Other Names</b>	Labor Management Relations Act
<b>Authority</b>	Federal
<b>Overview</b>	<ul style="list-style-type: none"><li>• Restricts power and activities of labor unions</li><li>• Amended the National Labor Relations (Wagner) Act (1935)</li><li>• Proposed and supported by large U.S. business interests</li><li>• Reflects Congress' perception that union conduct also needed correction</li></ul>
<b>Rights and/or Restrictions</b>	<ul style="list-style-type: none"><li>• Allows the president to appoint a board of inquiry to investigate union disputes when he believes a strike would endanger national health or safety, and obtain an 80-day injunction to stop the continuation of a strike</li><li>• Declares all closed shops illegal</li><li>• Permits union shops only after a majority of employees vote for them</li><li>• Forbids jurisdictional strikes and secondary boycotts</li><li>• End the check-off system whereby the employer collects union dues</li><li>• Forbids unions from contributing to political campaigns</li><li>• Requires union leaders to take an oath stating they are not communists</li></ul>
<b>Audience (applies to)</b>	<ul style="list-style-type: none"><li>• Labor unions associated with public and private employers</li></ul>

**[Short Course Title]**

## Legislation (Rights and Restrictions)

**Labor Management Reporting and Disclosure Act (1959)**

<b>Other Names</b>	<ul style="list-style-type: none"><li>• LMRDA</li><li>• Landrum-Griffin Act</li></ul>
<b>Authority</b>	Federal
<b>Overview</b>	<ul style="list-style-type: none"><li>• Enacted in response to widely publicized reports of union corruption</li><li>• Strengthened the Taft-Hartley Act</li><li>• Opposed by organized labor</li><li>• Allowed U.S. Department of Labor oversight and review of union elections</li></ul>
<b>Rights and/or Restrictions</b>	<ul style="list-style-type: none"><li>• Regulates unions' internal affairs and their officials' relationships with employers</li><li>• Requires unions to hold secret elections for local union offices on a regular basis</li><li>• Provides for review by U.S. Department of Labor of union members' claims of improper election activity</li></ul>
<b>Audience (applies to)</b>	<ul style="list-style-type: none"><li>• Public and private employers and employees</li></ul>

**State Labor/Management Legislation****Meyers-Milias-Brown Act (1968)**

<b>Other Names</b>	MMBA
<b>Authority</b>	State (California)
<b>Overview</b>	<ul style="list-style-type: none"><li>• Signed into law by former union president, Governor Ronald Reagan</li><li>• California was second state to allow public sector collective bargaining<ul style="list-style-type: none"><li>○ Wisconsin (first, in 1959) recently drew national attention with sharp curtailment of rights in 2011</li></ul></li></ul>
<b>Rights and/or Restrictions</b>	<ul style="list-style-type: none"><li>• First California law giving public sector (city and county) employees collective bargaining rights</li><li>• Promotes communication and provides dispute resolution between labor/management</li><li>• Regulates communications regarding wages, hours, and other employment terms and conditions</li><li>• Establishes recognition rights for public employee unions</li><li>• Allows for local rules to govern employment relations if rules conform to MMBA</li></ul>
<b>Audience (applies to)</b>	<ul style="list-style-type: none"><li>• Public sector employers/employees</li></ul>



**[Short Course Title]****Legislation (Rights and Restrictions)**

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**Ralph C. Dills Act (1977)**

<b>Other Names</b>	<ul style="list-style-type: none"><li>• Dills Act</li><li>• State Employer-Employee Relations Act</li></ul>
<b>Authority</b>	State (California)
<b>Overview</b>	<ul style="list-style-type: none"><li>• Formalized collective bargaining for state employees</li></ul>
<b>Rights and/or Restrictions</b>	<ul style="list-style-type: none"><li>• Sets up a process for determining wages, hours, and terms and conditions of employment for rank and file and supervisory employees<ul style="list-style-type: none"><li>◦ Managers and confidential employees are provided no bargaining rights</li></ul></li><li>• Rank and file employees have the right to:<ul style="list-style-type: none"><li>◦ Form, join, be represented by, and participate in employee unions</li><li>◦ Not join an employee union</li><li>◦ Meet and confer in good faith rights (full bargaining rights); both sides must exchange and fully consider all reasonable proposals with the hopes of reaching a final agreement</li></ul></li><li>• Supervisors are provided representational rights but not full bargaining rights; they have the right to join unions and meet and discuss proposals with management</li><li>• After considering union proposals and counterproposals management may implement a policy or course of action</li><li>• Set up the Public Employment Relations Board (PERB) as the “watch dog” agency to oversee compliance with the provisions of the Dills Act</li></ul>
<b>Audience (applies to)</b>	<ul style="list-style-type: none"><li>• State of California employees</li></ul>

**Disciplinary Issues and Court Cases that Contributed to the Firefighter Procedural Bill of Rights****Garrity Rights**

<b>Court Case</b>	<ul style="list-style-type: none"><li>• <i>Garrity v. New Jersey</i> (385 U.S. 493) in 1967</li></ul>
<b>Overview</b>	<ul style="list-style-type: none"><li>• Public employees have constitutional rights applicable in their employment that may not apply to private employees</li></ul>
<b>Rights and/or Restrictions</b>	<ul style="list-style-type: none"><li>• Statements obtained in an investigatory interview under threat of termination from public employment can not be used as evidence against the employee in subsequent criminal proceedings</li><li>• If, however, the employee refuses to answer questions after he or she has been assured that their statements cannot be used against them in a subsequent criminal proceeding, the refusal to answer questions thereafter may lead to the imposition of discipline for insubordination</li></ul>

## [Short Course Title]

### Legislation (Rights and Restrictions)

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	<ul style="list-style-type: none"><li>• While the statements made may not be used against the employee in a subsequent criminal proceeding, they can still form the basis for discipline on the underlying work-related charge<ul style="list-style-type: none"><li>○ FBOR took this one step further and requires a written offer of immunity from criminal prosecution</li></ul></li></ul>
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### Weingarten Rights

<b>Court Case</b>	<ul style="list-style-type: none"><li>• <i>NLRB vs. Weingarten, Inc.</i> (420 U.S. 251) in 1975</li></ul>
<b>Overview</b>	
<b>Rights and/or Restrictions</b>	<ul style="list-style-type: none"><li>• Employees have the right to have union representation at investigatory interviews</li><li>• Employees do not have the right to union representation if the meeting is only to tell them about discipline that has already been decided or to give other direction<ul style="list-style-type: none"><li>○ Management is not required to inform an employee of his/her Weingarten rights; it is the employee's responsibility to know and request</li></ul></li></ul>

### Skelly Rights

<b>Court Case</b>	<ul style="list-style-type: none"><li>• <i>Skelly v. State Personnel Board</i> (15 Cal. 3d 194) in 1975</li></ul>
<b>Overview</b>	<ul style="list-style-type: none"><li>• Dr. Skelly, a public employee, was terminated from employment with the State of California</li><li>• The California Supreme Court determined he was deprived of his due process right to pre-disciplinary discovery; the "materials upon which the action is based"</li></ul>
<b>Rights and/or Restrictions</b>	<ul style="list-style-type: none"><li>• A "Skelly Hearing" allows an employee to respond to allegations prior to the imposition of any actual disciplinary action</li></ul>

### Loudermill Rights

<b>Court Case</b>	<ul style="list-style-type: none"><li>• <i>Cleveland Board of Education v. Loudermill</i> (470 U.S. 532) of 1985</li></ul>
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## [Short Course Title]

### Legislation (Rights and Restrictions)

<b>Overview</b>	<ul style="list-style-type: none"><li>• Employees with a property interest in their jobs are entitled to certain due process rights prior to termination</li><li>• Purpose of a "Loudermill hearing" is to provide an employee an opportunity to present their side of the story before the employer makes a decision on discipline</li><li>• Underlying principle is that because dismissals often involve factual disputes, a hearing provides the employee an opportunity to explain and refute any conclusions the employer reached which caused the employee's discharge</li><li>• Applicable in instances when the employee may have a loss of pay, such as suspension, termination, or demotion</li></ul>
<b>Rights and/or Restrictions</b>	<ul style="list-style-type: none"><li>• Employees with a property interest in their jobs are entitled to certain due process rights prior to termination<ul style="list-style-type: none"><li>○ Oral or written notice of the charges against the employee</li><li>○ An explanation of the employer's evidence</li><li>○ An opportunity to be heard in response to the proposed action</li></ul></li></ul>

### Lybarger Rights

<b>Court Case</b>	<ul style="list-style-type: none"><li>• <i>Lybarger v. City of Los Angeles</i> (40 Cal. 3d 822) in 1985</li></ul>
<b>Overview</b>	<ul style="list-style-type: none"><li>• When a supervisor/manager interrogates an employee and (a) it appears that the employee may be charged with a criminal offense as a result of his misconduct, or the worker refuses to answer questions on the ground that the answers may be <i>criminally</i> self-incriminating, the questioning must be preceded by a "Lybarger admonishment"</li></ul>
<b>Rights and/or Restrictions</b>	<ul style="list-style-type: none"><li>• Although the employee has the right to remain silent (Fifths Amendment) and not incriminate himself/herself<ul style="list-style-type: none"><li>○ His or her silence could be deemed as insubordination, leading to administrative discipline, and</li><li>○ Any statement made under the compulsion of the threat of such discipline (i.e., incriminating statements) can be used for administrative purposed, but cannot be used against the employee during any subsequent criminal proceeding</li></ul></li></ul>

### Spielbauer Rights

<b>Court Case</b>	<ul style="list-style-type: none"><li>• <i>Spielbauer v. County of Santa Clara</i> (45 Cal. 4<sup>th</sup> 704) in 2009</li></ul>
<b>Overview</b>	<ul style="list-style-type: none"><li>• Related to Garrity rights</li></ul>

**[Short Course Title]**

## Legislation (Rights and Restrictions)

<b>Rights and/or Restrictions</b>	<ul style="list-style-type: none"><li>• A public employee may be compelled, by threat of job discipline, to answer questions about the employee's job performance, so long as the employee is not required, on pain of dismissal, to waive the constitutional protection against criminal use of those answers</li></ul>
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**Firefighter Procedural Bill of Rights (2007)****Firefighter Procedural Bill of Rights (2007)**

<b>Other Names</b>	<ul style="list-style-type: none"><li>• FBOR</li><li>• California Government Code, Section 3250-3262</li></ul>
<b>Authority</b>	State (California)
<b>Overview</b>	<ul style="list-style-type: none"><li>• Largely modeled on the Public Safety Officers Procedural Bill of Rights Act, first enacted in 1976</li><li>• Establishes specific requirements for administrative investigations and discipline of firefighters</li><li>• Gives California firefighters the fairest, most extensive privacy protection enjoyed by any public employee in the state</li></ul>
<b>Rights and/or Restrictions</b>	<ul style="list-style-type: none"><li>• Requires that interrogation be conducted at reasonable hours, with compensation, and without verbal or physical threats or extortion</li><li>• Requires that individuals be advised of their rights</li><li>• Secures the right of representation in any and all interrogations</li><li>• Prohibits unwarranted search of personal property or forced submission to polygraph testing</li><li>• Authorizes recording any interrogation by employer or employee, and gives each access to the others recordings and transcripts</li><li>• Declares that statements made under duress can't be used in judicial proceedings</li><li>• Requires that appeals process conform to state Administrative Procedures Act<ul style="list-style-type: none"><li>○ Permits appeals procedures that agreed upon between labor organizations and fire agencies as a part of the collective bargaining process (2010 amendment)</li></ul></li></ul>
<b>Audience (applies to)</b>	<ul style="list-style-type: none"><li>• State and local government professional fire fighters (up to and including the fire chief)</li><li>• Excludes private, probationary, inmate, and volunteer fire fighters</li></ul>



**Employment Equality Laws****Federal Employment Legislation****Fair Labor Standards Act (1938)**

<b>Other Names</b>	<ul style="list-style-type: none"><li>• FLSA</li><li>• Wages and Hours Bill</li></ul>
<b>Authority</b>	Federal
<b>Overview</b>	<ul style="list-style-type: none"><li>• Intended to stimulate job creation</li></ul>
<b>Rights and/or Restrictions</b>	<ul style="list-style-type: none"><li>• Establishes minimum wage<ul style="list-style-type: none"><li>○ Covered nonexempt workers are entitled to a minimum wage of not less than \$7.25 per hour (effective July 24, 2009)</li></ul></li><li>• Establishes 40-hour workweek and 8-hour workday<ul style="list-style-type: none"><li>○ Employees engaged in fire protection or law enforcement may be paid overtime on a “work period” basis (known as 7(K) work exemption)</li></ul></li><li>• Establishes overtime pay<ul style="list-style-type: none"><li>○ A rate not less than one and one-half times the regular rate of pay required after 40 hours of work in a workweek</li></ul></li><li>• Establishes recordkeeping standards<ul style="list-style-type: none"><li>○ Employers must display an official poster outlining the requirements of the FLSA</li><li>○ Employers must keep employee time and pay records</li></ul></li><li>• Establishes guidelines for employing minors<ul style="list-style-type: none"><li>○ Ensure that work is safe and does not jeopardize their health, well-being, or educational opportunities</li></ul></li></ul>
<b>Audience (applies to)</b>	<ul style="list-style-type: none"><li>• Private sector employees</li><li>• Federal, state, and local government employees</li></ul>

**Equal Pay Act (1963)**

<b>Other Names</b>	EPA
<b>Authority</b>	Federal
<b>Overview</b>	<ul style="list-style-type: none"><li>• Amended Fair Labor Standards Act (1938)</li><li>• Intended to abolish wage disparity based on sex</li><li>• Signed into law by John F. Kennedy as part of New Frontier Program</li></ul>

**[Short Course Title]**

## Legislation (Rights and Restrictions)

<b>Rights and/or Restrictions</b>	<ul style="list-style-type: none"> <li>Prohibits discrimination on account of sex in the payment of wages by employers</li> <li>Employers may not pay lower wages to employees of one sex than it pays to employees of the other sex, for employees within the same establishment for equal work at jobs that require equal skill, effort, and responsibility, and that are performed under similar working conditions</li> </ul>
<b>Audience (applies to)</b>	<ul style="list-style-type: none"> <li>Private sector employees</li> <li>Federal, state, and local government employees</li> <li>Until a 1972 amendment, EPA did not cover persons employed in an executive, administrative, or professional capacity, or as an outside salesman</li> </ul>

**Civil Rights Act (1964)**

<b>Other Names</b>	None
<b>Authority</b>	Federal
<b>Overview</b>	<ul style="list-style-type: none"> <li>Nation's landmark civil rights legislation</li> <li>Counteracted individual states allowing unfair treatment of minorities and continued segregation in public facilities after passage of the 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> amendments</li> <li>Enforcement powers were weak at first but supplemented in later years</li> <li>Didn't end discrimination but opened the door to progress</li> </ul>
<b>Rights and/or Restrictions</b>	<ul style="list-style-type: none"> <li>Outlaws discrimination on the basis of race, color, religion, sex, or national origin</li> <li>Guarantees equal voting rights by removing registration requirements and procedures biased against minorities and the underprivileged</li> <li>Prohibits segregation or discrimination in places of public accommodation involved in interstate commerce</li> <li>Bans discrimination by trade unions, schools, and employers involved in interstate commerce or doing business with the federal government <ul style="list-style-type: none"> <li>Applies to discrimination based on sex</li> <li>Established Equal Employment Opportunity Commission to enforce</li> </ul> </li> <li>Calls for desegregation of public schools</li> <li>Broadens duties of the Civil Rights Commission</li> <li>Assures nondiscrimination in the distribution of funds under federally assisted programs</li> </ul>
<b>Audience (applies to)</b>	<ul style="list-style-type: none"> <li>Everyone</li> </ul>



**[Short Course Title]**

## Legislation (Rights and Restrictions)

**Americans with Disabilities Act (1990)**

<b>Other Names</b>	ADA
<b>Authority</b>	Federal
<b>Overview</b>	<ul style="list-style-type: none"><li>• Signed into law by George H. W. Bush</li><li>• Prohibits discrimination</li><li>• Intended to prohibit discrimination and guarantee that people with disabilities have the same opportunities as everyone else to participate in mainstream American life</li><li>• Modeled after Civil Rights Act of 1964</li><li>• Addresses five areas:<ul style="list-style-type: none"><li>○ Title I – Employment</li><li>○ Title II – Public Entities (and Public Transportation)</li><li>○ Title III – Public Accommodations (and Commercial Facilities)</li><li>○ Title IV – Telecommunications</li><li>○ Title V – Miscellaneous Provisions</li></ul></li></ul>
<b>Rights and/or Restrictions</b>	<ul style="list-style-type: none"><li>• A “covered entity” shall not discriminate against “a qualified individual with a disability” regarding job application procedures, hiring, advancement and discharge, job training, or any other terms, conditions, and privileges of employment</li><li>• Requires “covered entities” to provide reasonable accommodations to applicants and employees with disabilities</li><li>• An employee or applicant who currently engages in the illegal use of drugs is not considered qualified when a “covered entity” takes adverse action based on such use</li></ul>
<b>Audience (applies to)</b>	<ul style="list-style-type: none"><li>• Individuals with a disability that substantially limits one or more major life activity, those with a history of such impairment, and those perceived by others as having such impairment</li><li>• Any “covered entity” employing such individuals</li></ul>

**State Employment Legislation****Fair Employment and Housing Act (1959)**

<b>Other Names</b>	FEHA
<b>Authority</b>	State (California)

**[Short Course Title]****Legislation (Rights and Restrictions)**

<b>Overview</b>	<ul style="list-style-type: none"><li>• Offers protections similar to, and more effective than, those available under the equivalent federal laws</li></ul>
<b>Rights and/or Restrictions</b>	<ul style="list-style-type: none"><li>• Prohibits harassment and discrimination in employment because of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, mental and physical disability, medical condition, age, pregnancy, denial of medical and family care leave, or pregnancy disability leave</li><li>• Prohibits retaliation for protesting illegal discrimination related to one of these categories</li><li>• Prohibits retaliation for reporting patient abuse in tax supported institutions</li></ul>
<b>Audience (applies to)</b>	<ul style="list-style-type: none"><li>• All employers/employees in California</li></ul>

**Employment Benefit Laws****Federal Employment Benefits Legislation****Family Medical Leave Act (1993)**

<b>Other Names</b>	FMLA
<b>Authority</b>	Federal
<b>Overview</b>	<ul style="list-style-type: none"><li>• Intended to balance the demands of the workplace with the needs of families, promote stability and economic security of families, and promote national interests in preserving family integrity</li></ul>
<b>Rights and/or Restrictions</b>	<ul style="list-style-type: none"><li>• Entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave</li></ul>
<b>Audience (applies to)</b>	<ul style="list-style-type: none"><li>• Covered employers<ul style="list-style-type: none"><li>• Private-sector employer, with 50 or more employees in 20 or more workweeks in the current or preceding calendar year, including a joint employer or successor in interest to a covered employer</li><li>• Public agency, including a local, state, or Federal government agency (regardless of number of employees)</li><li>• Public or private elementary or secondary school (regardless of number of employees)</li></ul></li><li>• Employees of covered employers meeting U.S. Department of Labor eligibility criteria</li></ul>



**[Short Course Title]**

## Legislation (Rights and Restrictions)

**Health Insurance Portability and Accountability Act (1996)**

<b>Other Names</b>	HIPPA
<b>Authority</b>	Federal
<b>Overview</b>	<ul style="list-style-type: none"><li>• Intended to provide health care security for employees while reducing health care fraud and abuse, resulting in cost savings for all parties</li></ul>
<b>Rights and/or Restrictions</b>	<ul style="list-style-type: none"><li>• Provides ability to transfer and continue health insurance coverage for workers when they change or lose jobs</li><li>• Mandates industry-wide standards for health care information on electronic billing and other processes</li><li>• Requires the protection and confidential handling of protected health information</li></ul>
<b>Audience (applies to)</b>	<ul style="list-style-type: none"><li>• Employees meeting eligibility criteria</li></ul>

**Affordable Care Act (2010)**

<b>Other Names</b>	<ul style="list-style-type: none"><li>• ACA</li><li>• Patient Protection and Affordable Care Act (PPACA)</li><li>• ObamaCare</li></ul>
<b>Authority</b>	Federal
<b>Overview</b>	<ul style="list-style-type: none"><li>• A U.S. healthcare reform law intended to expand and improve access to care and curb spending through regulations and taxes</li></ul>
<b>Rights and/or Restrictions</b>	<ul style="list-style-type: none"><li>• Requires insurance companies to cover all applicants within new minimum standards and offer the same rates regardless of pre-existing conditions or sex</li><li>• Requires that most Americans obtain and maintain health insurance, or an exemption, each month or pay a tax penalty</li><li>• Removes “pre-existing conditions” as a disqualifier or hurdle for obtaining private health insurance</li></ul>
<b>Audience (applies to)</b>	<ul style="list-style-type: none"><li>• All eligible Americans not already receiving health care insurance coverage from employers</li></ul>

**State Employment Benefits Legislation****California Public Employees Pension Reform Act (2013)**

<b>Other Names</b>	PEPRA
<b>Authority</b>	State (California)

**[Short Course Title]****Legislation (Rights and Restrictions)**

Overview	<ul style="list-style-type: none"><li>Changes the way CalPERS (California Public Employees' Retirement System) applies retirement and health benefits and places compensation limits on members</li></ul>												
Rights and/or Restrictions	<ul style="list-style-type: none"><li>Creates a new defined benefit formula of 2% at age 62 for all new miscellaneous (non-safety) members with an early retirement age of 52 and a maximum benefit factor of 2.5% at age 67</li><li>Creates three new defined benefit formulas for new safety members with a normal retirement age at 50 and a maximum benefit factor at age 57</li><li>Requires that new safety members be provided with the new formula that is the closest to the formula offered to classic members of the same classification and that provides a lower benefit at 55 years of age than the formula offered to classic members<table border="1"><thead><tr><th></th><th>Normal Requirement Age</th><th>Maximum Benefit Factor</th></tr></thead><tbody><tr><td>Basic Formula</td><td>1.426% at Age 50</td><td>2% at Age 57+</td></tr><tr><td>Option Plan 1</td><td>2% at Age 50</td><td>2.5% at Age 57+</td></tr><tr><td>Option Plan 2</td><td>2% at Age 50</td><td>2.7% at Age 57+</td></tr></tbody></table><ul style="list-style-type: none"><li>An employer and its employees may agree by MOU to place new employees (hired after the date of the MOU) in a lower tier of safety benefits, but this change cannot be imposed through impasse procedures</li></ul></li><li>Caps the annual salary that can be used to calculate final compensation for all new members, excluding judges, at \$113,700 (2013 Social Security Contribution and Benefit Base) for employees that participate in Social Security or \$136,440 (120% of the 2013 Contribution and Benefit Base) for those employees that do not participate in Social Security</li><li>Prohibits a public employer from offering a plan of replacement benefits for new employees who are subject to the federal benefit limitations under Internal Revenue Code section 415(b)</li><li>Prohibits a public employer from offering a replacement benefit plan for any employee if the employer does not offer a plan of replacement benefits prior to January 1, 2013, or to any additional employee group that was not covered by an existing plan prior to January 1, 2013</li><li>Adds a calculation for a safety member who qualifies for an Industrial Disability Requirement (IDR) that may result in a higher benefit than 50% of salary (in addition to the current calculation options for the IDR benefit for a safety member), in effect until January 1, 2018</li><li>Sets new member's initial contribution rate to at least 50% of the total normal cost rate of the current contribution rate of similarly situated employees, whichever is greater, except where it would impair an existing MOU (applies to public agencies, school employers, the CSU, judicial branch)</li><li>Prohibits Employer Paid Member Contributions (EPMC) for new members</li></ul>		Normal Requirement Age	Maximum Benefit Factor	Basic Formula	1.426% at Age 50	2% at Age 57+	Option Plan 1	2% at Age 50	2.5% at Age 57+	Option Plan 2	2% at Age 50	2.7% at Age 57+
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	<p>employed by public agencies, school employers, the judicial branch or CSU</p> <ul style="list-style-type: none"><li>• Requires state employees (excluding new CSU members and new judicial branch members) to pay the contribution rates determined through bargaining and/or as provided by statute<ul style="list-style-type: none"><li>○ Beginning on January 1, 2018, public agency and school employers that have collectively bargained in good faith and have completed impasse procedures, including mediation and fact finding, have the ability to unilaterally require classic members to pay up to 50% of the total normal cost of their pension benefit. However, the employee contribution may only be increased up to an 8% contribution rate for miscellaneous members, a 12% contribution rate for local police officers, local firefighters, and county peace officers, or an 11% contribution rate for all other local safety members.</li></ul></li><li>• Permits public agencies and their employees to agree to share the cost of the employer contribution with or without a change in benefit<ul style="list-style-type: none"><li>○ Allows cost-sharing agreements to differ by bargaining unit or for classifications of employees subject to different benefit levels as agreed to in an MOU</li><li>○ Permits cost sharing of the employer costs for non-represented employees as approved in a resolution passed by the public agency</li></ul></li><li>• Closes Legislators' Retirement System (LRS) to new members</li><li>• Prohibits employers from providing a more advantageous health benefit vesting schedule to certain individuals than it does for other public employees</li><li>• Prohibits purchase of Additional Retirement Service Credit (ARSC)</li><li>• Prohibits public employers from granting retroactive pension benefit enhancements that apply to service performed prior to the date of the enhancement</li><li>• Prohibits pension holidays, requiring the combined employer and member contributions, in any fiscal year, not be lower than the total year's normal cost</li><li>• Defines the term "pensionable compensation"</li><li>• Provides that final compensation means the highest average annual pensionable compensation earned by a member during a period of at least 36 consecutive months, or three school years, as applicable (new members)</li><li>• Prohibits a public employer from adopting a final compensation period of less than three years for members currently subject to a three-year final compensation period (classic members)</li><li>• Requires current and future public officials and employees to forfeit certain specified pension and related benefits if they are convicted of a felony in carrying out their official duties, in seeking an elected office or</li></ul>
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## [Short Course Title]

### Legislation (Rights and Restrictions)

	<p>appointment, or in connection with obtaining salary or pension benefits, subject to certain requirements</p> <ul style="list-style-type: none"><li>• Provides that a CalPERS retiree cannot serve, be employed by, or be employed through a contract directly by a CalPERS employer unless he or she either reinstates or his or her employment satisfies specific PEPPA conditions</li><li>• Requires CalPERS (for plans it administers) to define a “significant increase” in actuarial liability due to increased compensation paid to a non-represented employee<ul style="list-style-type: none"><li>○ Also directs the Board to implement program changes to ensure that a public agency creating a significant increase in actuarial liability bears the increased cost associated with that liability</li></ul></li><li>• Closes Alternative Retirement Program (ARP) to new members, effective July 1, 2013</li></ul>
<b>Audience (applies to)</b>	<ul style="list-style-type: none"><li>• Public employees enrolled in CalPERS after January 1, 2013</li><li>• Excludes public employees enrolled in CalPERS prior to January 1, 2013, who are considered “classic” members and retain existing benefits for future service with same employer</li></ul>

## Additional Laws

### Federal Legislation

#### United States Constitutional Amendments (1791-present)

<b>Other Names</b>	Bill of Rights (amendments 1-10)
<b>Authority</b>	Federal
<b>Overview</b>	<ul style="list-style-type: none"><li>• Amendments add to the Constitution specific guarantees of personal freedoms and rights, clear limitations on the government's power in judicial and other proceedings, and explicit declarations that all powers not specifically delegated to Congress by the Constitution are reserved for the states or the people</li></ul>
<b>Rights and/or Restrictions</b>	<ul style="list-style-type: none"><li>• 1st Amendment: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances”</li><li>• 4th Amendment: “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized”</li><li>• 5th Amendment: “No person shall be held to answer for a capital, or</li></ul>



**[Short Course Title]****Legislation (Rights and Restrictions)**

	<p>otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation”</p> <ul style="list-style-type: none"><li>• 6th Amendment: “In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence [sic].”</li><li>• 14<sup>th</sup> Amendment: Addressing citizenship and civil rights (adopted 1868)<ul style="list-style-type: none"><li>○ Citizenship clause</li><li>○ Privileges and immunities clause</li><li>○ Due process clause</li><li>○ Equal protection clause</li></ul></li></ul>
<b>Audience (applies to)</b>	<ul style="list-style-type: none"><li>• United States citizens and anyone within United States territories</li></ul>

**Freedom of Information Act (1966)**

<b>Other Names</b>	<ul style="list-style-type: none"><li>• FOIA</li><li>• Public Information Act of 1966</li><li>• Public Information Availability</li></ul>
<b>Authority</b>	Federal
<b>Overview</b>	<ul style="list-style-type: none"><li>• Extracted from its original home in the Administrative Procedures Act (Section 3) of 1946, but people were concerned that it was being used more to withhold rather than disclose information so Congress created a stand-alone act</li><li>• Signed into law by Lyndon B. Johnson (despite his misgivings)</li><li>• Gives people the right to access information from the federal government</li><li>• Undergone a number of amendments since enactment</li></ul>

**[Short Course Title]****Legislation (Rights and Restrictions)**

<b>Rights and/or Restrictions</b>	<ul style="list-style-type: none"> <li>• Allows for the full or partial disclosure of previously unreleased information and documents controlled by the United States government</li> <li>• Defines agency records subject to disclosure</li> <li>• Outlines mandatory disclosure procedures</li> <li>• Grants nine exemptions to the statute to protect against disclosure of information which would substantially harm national defense or foreign policy, individual privacy interests, business proprietary interests, and efficient operation of government functions</li> </ul>
<b>Audience (applies to)</b>	<ul style="list-style-type: none"> <li>• Everyone</li> </ul>

**State Legislation****California Penal Code (1872)**

<b>Other Names</b>	N/A
<b>Authority</b>	State (California)
<b>Overview</b>	<ul style="list-style-type: none"> <li>• The basis for the application of criminal law in the state of California</li> <li>• Originally enacted in 1872 as one of four original California Codes</li> <li>• Has been substantially amended and revised over time</li> <li>• Divided into six "Parts"             <ul style="list-style-type: none"> <li>○ Part 1                 <ul style="list-style-type: none"> <li>▪ Definitions of legal terms</li> <li>▪ Crimes against the state (like treason)</li> <li>▪ State court system and crimes that can be committed within it (like perjury)</li> <li>▪ Violent crimes</li> <li>▪ Offenses against public morals and decency</li> <li>▪ Crimes against public health and safety</li> <li>▪ Crimes against public peace</li> <li>▪ Crimes against public revenue</li> <li>▪ Crimes against property</li> <li>▪ "Malicious mischief" (including vandalism and trespassing)</li> <li>▪ "Miscellaneous Crimes"</li> <li>▪ General provisions</li> <li>▪ Rights of victims and witnesses of crimes</li> </ul> </li> <li>○ Part 2 codifies the state's criminal procedure system</li> <li>○ Part 3 codifies statutes governing the state's corrections system</li> <li>○ Part 4 codifies statutes governing criminal investigations, prison officer training, police officer training, crime control, crime prevention, and gun control</li> <li>○ Part 5 authorizes the California Peace Officers Memorial</li> </ul> </li> </ul>



**[Short Course Title]**

## Legislation (Rights and Restrictions)

	<ul style="list-style-type: none"><li>Foundation to establish and maintain a memorial to peace officers on the grounds of the state Capitol with private funds<ul style="list-style-type: none"><li>Part 6 codifies statutes dealing with the management of weapons</li></ul></li><li>California's drug laws are not in the Penal Code, but in a separate enactment, the California Health and Safety Code<ul style="list-style-type: none"><li>Section 11377-11382.5</li></ul></li><li>Provisions affecting motorists, motor vehicles, and traffic matters are contained in the California Vehicle Code</li></ul>
<b>Rights and/or Restrictions</b>	<ul style="list-style-type: none"><li>See individual code sections</li></ul>
<b>Audience (applies to)</b>	<ul style="list-style-type: none"><li>Residents of California</li></ul>

**Administrative Procedures Act (1945)**

<b>Other Names</b>	APA
<b>Authority</b>	State (California)
<b>Overview</b>	<ul style="list-style-type: none"><li>Establishes rulemaking procedures and standards for California state agencies</li><li>Established the Office of Administrative Law (OAL)</li><li>Intended to reduce number and complexity of administrative regulations</li></ul>
<b>Rights and/or Restrictions</b>	<ul style="list-style-type: none"><li>Allows public participation in the adoption of state regulations in order to ensure that the regulations are clear, necessary, and legally valid</li><li>Allows any interested person (not limited by statute) to petition a state agency to change a regulation<ul style="list-style-type: none"><li>Adoption of a new regulation</li><li>Amendment or repeal of an existing regulation</li></ul></li><li>Allows agencies to adopt new regulations within their scope of authority and consistent with state law<ul style="list-style-type: none"><li>Where state or federal regulations conflict with a regulation, state or federal regulations supersede</li></ul></li></ul>
<b>Audience (applies to)</b>	<ul style="list-style-type: none"><li>"Any interested person"</li></ul>

**California Public Records Act (1968)**

<b>Other Names</b>	CPRA
<b>Authority</b>	State (California)

**[Short Course Title]**Legislation (Rights and Restrictions)

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<b>Overview</b>	<ul style="list-style-type: none"><li>• Passed in 1968, summarized and clarified in 2004</li><li>• Modeled after the federal Freedom of Information Act (1966)</li><li>• Intended to safeguard the accountability of government to the public</li><li>• "Access to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state." (CA Gov't Code § 6250)</li><li>• Public records broadly defined to include "any writing containing information relating to the conduct of a public's business prepared, owned, used or retained by any state or local agency regardless of physical form or characteristic" (CA Gov't Code § 6252(e))</li></ul>
<b>Rights and/or Restrictions</b>	<ul style="list-style-type: none"><li>• Discloses governmental records to the public, upon request, unless there is a specific reason not to do so</li><li>• Provides for a general balancing test by which an agency may withhold records from disclosure if it can establish that the public interest in nondisclosure clearly outweighs the public interest in disclosure</li><li>• Local governments must comply with requests for publicly available documents, and requires local governments to pay the costs of those requests in full (2013)</li></ul>
<b>Audience (applies to)</b>	<ul style="list-style-type: none"><li>• Everyone</li></ul>



## Activity 5-1: Labor Laws

**Format:** Individual/Small Group

**Time Frame:** 0:30

**Description**

This activity provides students with an opportunity to utilize the Fire Fighters Bill of Rights.

**Instructions**

1. Using scenarios (chosen by instructor) from the *Manager's Guide to the California Firefighter's Bill of Rights Act*, work in groups to research and present solutions.
2. Share your findings with the group.

**Scenarios and Solutions**

## Activity 6-1: Contract Comparison

**Format:** Individual/Small Group

**Time Frame:** 0:30

### Description

This activity provides students with an opportunity to evaluate the results to different bargaining processes.

### Instructions

1. Compare two fire department labor contracts. (Provide support for your answers to each question.)
  - How do the management rights compare?
  - Is one contract stronger than the other?
  - What would you recommend changing if you sat on the union side of the table?
  - What would you recommend changing if you sat on the management side of the table?
2. Share your findings with the group.

### Contract Comparison

	Contract A	Contract B
Strengths		



Challenges		
Recommendations (Labor Perspective)		
Recommendations (Management Perspective)		

## Sample Grievance Information Form

APPENDIX B: GRIEVANCE INFORMATION FORM	
Local _____	Union _____
Who has grievance?	
Name _____	Department _____
Job Class and Title _____	Badge _____
Department Seniority _____	Shift _____
Shift Seniority _____	
Where did it happen?	
Location in department (if necessary) _____	
When did it happen?	
Date(s) _____	Time _____
	Shift _____
What happened? Describe events, including:	
Member's story and explanation _____	
Management's position _____	
Other people involved, including their names, job titles, seniority, shift and additional useful information _____	
Witnesses and their stories _____	
Background information, such as previous accusations, reprimands and events that relate to this problem _____	
_____	
_____	
_____	
_____	
Why is it a grievance?	
Violation of contract clause(s) _____	
Article _____	Section _____
_____	_____
_____	_____
_____	_____
Past Practice (describe fully) _____	
_____	
_____	
Unfair Treatment (attach paper with detailed description of evidence) _____	
_____	
_____	
Demand (what should management do so that the member does not lose rights or benefits?) _____	
_____	
_____	



## Sample Grievance Form

**APPENDIX C:  
GRIEVANCE FORM**

Employee's Name: \_\_\_\_\_

Employee's Job Title/Classification: \_\_\_\_\_

Department: \_\_\_\_\_

Division: \_\_\_\_\_

Grievance Presented To: \_\_\_\_\_

**STATEMENT OF GRIEVANCE:** (state facts, witnesses, work assignment)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ See attached for further information

**RULE, POLICY, AGREEMENT, ETC. VIOLATED**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ See attached for further information

**SPECIFIC REMEDY OR CORRECTIVE ACTION REQUESTED**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ See attached for further information

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

(Employee)

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

(Party Receiving Grievance)

## **Activity 7-2: Individual Action Plan**

**Format:** Individual

**Time Frame:** 0:30

### **Description**

This activity provides students with an opportunity to develop an action plan to improve labor/management partnerships within their agency or organization.

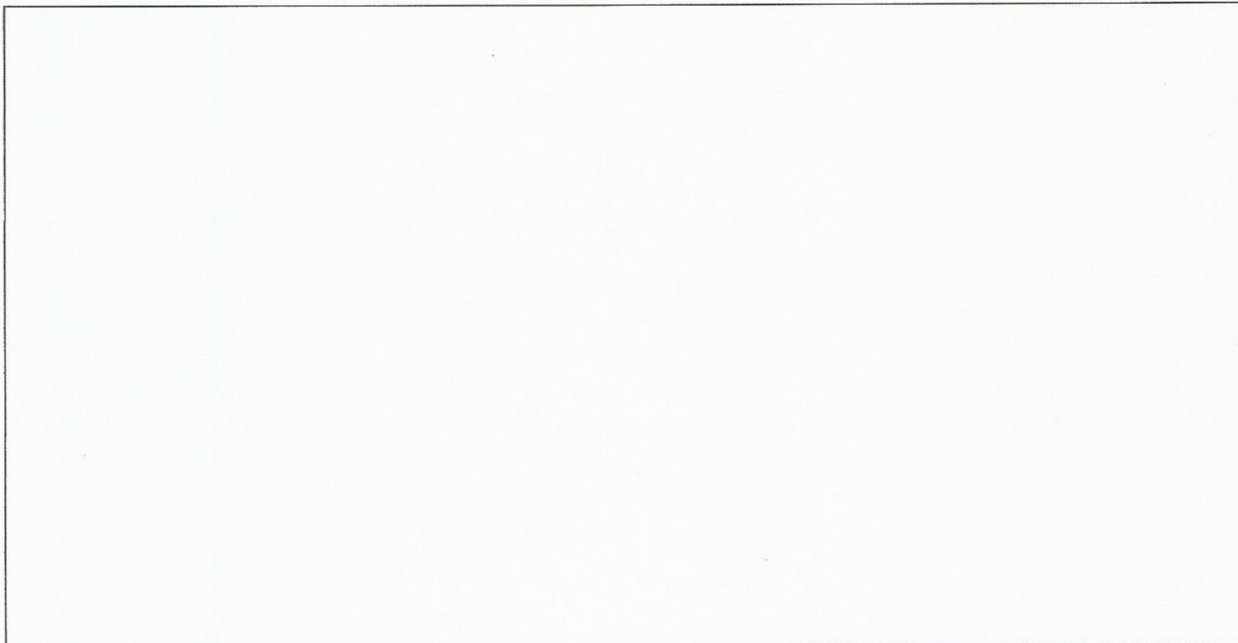
### **Instructions**

1. Develop an action plan to improve labor/management partnerships in your agency or organization.

### **Questions to Consider**

- What are current issues in the fire service impacting my agency/organization?
- What goals does labor have in addressing these issues?
- What goals does management have in addressing these issues?
- How are these goals similar or different?
- What steps can you take to align labor/management goals to best serve the community?
- What will you do when you return to initiate a positive labor/management relationship?

### **Brainstorming**

A large empty rectangular box with a thin black border, intended for students to write their brainstormed ideas for the activity.



## Action Plan

Purpose:

Goals:

Results/Accomplishments:

**Actions Steps:** What do you plan to do?

**Responsibility:** Who will do it?

**Timeline:** When will it be done?

**Resources:** What do you need to accomplish it?

**Obstacles:** What might slow you down?

Action Steps	Responsibility	Timeline	Resources	Obstacles

## Reference and Source Materials

*Fire Service Law*, 1<sup>st</sup> edition (2007)

- Lawrence Bennett
- Brady Fire
- ISBN 978-0131552883

*Going Public: The Role of Labor-Management Relations in Delivering Quality Government Services*, 1<sup>st</sup> edition (2003)

- Jonathan Brock and David B Lipsky (editors)
- ILR Press
- ISBN 978-0913447864

*Labor Relations for the Fire Service* (2012)

- Paul J Antonellis Jr.
- Fire Engineering
- ISBN 978-1-59370-284-7

*Labor Relations in the Public Sector*, 5<sup>th</sup> edition (2014)

- Richard C Kearney & Patrice M Mareschal
- CRC Press
- ISBN 978-146657-9521

*Legal Considerations for Fire & Emergency Services*, 3<sup>rd</sup> edition (2014)

- J Curtis Varone
- Fire Engineering
- ISBN 978-1-59370-347-9

*Manager's Guide to the Firefighter Bill of Rights Act* (2008)

- Martin J. Mayer and Kevin Johnson
- Command Strategies Consulting
- ISBN 978-0-9817672-2-2

*Pocket Guide to the Fair Labor Standards Act*, 3<sup>rd</sup> edition (2014)

- California Public Employee Relations (CPER)
- Regents of the University of California

*Pocket Guide to the Firefighters Procedural Bill of Rights*, 3<sup>rd</sup> edition (2014)

- California Public Employee Relations (CPER)
- Regents of the University of California



*Pocket Guide to the Meyers-Milias-Brown Act*, 15th edition (2014)

- California Public Employee Relations (CPER)
- Regents of the University of California

*Pocket Guide to the Public Employees' Pension Reform Act*, 1st edition (2013)

- California Public Employee Relations (CPER)
- Regents of the University of California

*The Rights of Firefighters*, 4<sup>th</sup> edition (2010)

- Will Aitchison
- LRIS Publications
- ISBN 978-1880607-25-1